

## **Improved Administration**

### **Introduction**

- 3.1 Australia's catchment systems can be managed in an ecologically sustainable way only if the management structure itself is capable of reliably delivering outcomes that address the problems. For this to occur, five conditions must be met:
- the problems must be identified;
  - solutions must be devised;
  - the implementation mechanisms must be designed around Australia's unique social, legal and constitutional arrangements;
  - the mechanisms must be stable over time so as to ensure reliable delivery; and
  - there must be sufficient landholder, community and political acceptance to bring together the resources and the resolve to implement plans of action.
- 3.2 Practical solutions to the problems of Australia's catchment systems will be devised and implemented only if communities are involved in working out the solutions; and the implementation will be successful only with the active involvement of all stakeholders.
- 3.3 The purpose of this chapter is to set out an administrative blueprint that, the Committee believes, will deliver throughout the Commonwealth ecologically sustainable use of Australia's catchment systems. The

recommendations build on and extend existing institutional arrangements and supplement them only where necessary.

- 3.4 As will be seen, few additional initiatives are required because the legal and social resources exist to provide, with appropriate modification, comprehensive integrated catchment management.
- 3.5 Although the recommendations made may be seen to be overly prescriptive by some, the Committee notes that the initiatives recommended are either required to attain the outcomes the problems warrant and which the community wants, or they enjoy broad community support.
- 3.6 The Committee also notes that there have been many reports identifying ongoing deficiencies in response to land degradation as well as identifying other areas that require action. These reports have generated many proposals to address the environmental problems facing the nation's catchments. There remains, however, significant work to be done to create comprehensive change that will yield the outcomes required. The intent of the Committee in the present report is to draw together some of the themes that have emerged from these other reports and, with its own conclusions, foster public debate and policy development. In this way, the Committee hopes to move the process forward.
- 3.7 Finally, the Committee welcomes the 10 October, 2000 announcement by the Prime Minister, the Hon. John Howard MP, that the Commonwealth will assume a leadership role as part of a National Action Plan to address salinity and water quality problems facing the nation. The National Action Plan was endorsed at the Council of Australian Governments (COAG) meeting held in Canberra on 3 November, 2000.<sup>1</sup>
- 3.8 Whilst the Action Plan incorporates a number of the initiatives that this Committee endorses, the evidence before this Committee indicates that much more will need to be done. It is hoped, therefore, that the recommendations made in this report will build upon what is already proposed.

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1 Media release: Council of Australian Governments Communique, 3 November, 2000. Downloaded from [http://www.pm.gov.au/news/media\\_releases/2000/media\\_release531.htm](http://www.pm.gov.au/news/media_releases/2000/media_release531.htm); accessed: 6 November 2000.

## The current arrangements

- 3.9 The current approach to catchment management rests upon a mix of Commonwealth, state and territory initiatives. This approach is the result of Australia's federal system and the fact that the respective spheres of responsibility for environmental matters is relatively ill-defined. The current arrangements were described in *Our Vital Resources: National Action Plan for Salinity and Water Quality in Australia*, as 'disjointed Commonwealth-State/Territory frameworks for natural resource management'.<sup>2</sup>
- 3.10 An underlying cause is that there is no explicit constitutional power to underpin Commonwealth action in respect of environmental matters. When the Commonwealth does act it must rely upon another of the powers available to it under the Constitution. Mr Phillip Toyne and Mr Rick Farley observed that
- Natural resource management has, since Federation, been jealously held as a central domain of the States. They have fiercely resisted interference from the Commonwealth in any matters relating to land and water use. Historically, this has led to many constitutional battles fought over 'interference by Canberra'.<sup>3</sup>
- 3.11 Governments have been, therefore, reluctant to act and when they have, the legislation has tended to be piecemeal rather than comprehensive.
- 3.12 The result is that there is no national approach to environmental management; there are no nationally agreed principles, priorities, targets or criteria. This in turn produces poor co-ordination between jurisdictions, a plethora of legislation and ill-defined responsibilities for the different levels of government and individuals.
- 3.13 In each state and territory, there are often many pieces of legislation that affect catchment and land management as well as environmental issues. The reason is that legislation has been enacted, sometimes over more than a century, to deal with emerging issues and there has been little imperative to develop consolidated and comprehensive approaches within jurisdictions, that recognise the interconnectedness of natural

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2 The Prime Minister, the Hon. John Howard MP, *Our Vital Resources: A National Action Plan for Salinity and Water Quality in Australia*, Canberra, 10 October, 2000, p. 2.

3 R Farley and P Toyne, *The Decade of Landcare: Looking forward - looking backward*, July 2000, p. 13, downloaded from [www.tai.org.au/publications/DP30exec.shtm](http://www.tai.org.au/publications/DP30exec.shtm), accessed 11 August 2000.

systems issues. In this regard, the Industry Commission in *A full repairing lease: Inquiry into ecologically sustainable land management*, noted that:

To date, the incorporation of the principles of ecologically sustainable development into government policy has been ad hoc, incomplete and tentative. This inquiry [the Industry Commission's Inquiry into Ecologically Sustainable Land Management] has identified that Australian governments have yet to realise a comprehensive, integrated and far sighted way of promoting ecological sustainability in agriculture, in all its various dimensions.<sup>4</sup>

- 3.14 The Committee notes two recent developments that are likely to improve the present arrangements. The *Environment Protection and Biodiversity Conservation Act 1999*, which came into force on 16 July, 2000, and the Prime Minister's announcement of the National Action Plan.
- 3.15 The EPBC Act significantly increased Commonwealth regulatory capacities in environmental matters. As discussed in Chapter 2, the Act can be triggered if a proposed action will significantly affect any one of six matters of national environmental significance, including world heritage properties, nationally threatened species and communities, and the Commonwealth marine environment. The Act uses bi- and multi- lateral agreements between the Commonwealth and the states and territories, as well as 'benchmarks' as guidelines to attain environmental outcomes. In addition, the Government is currently undertaking consultation with the states and territories to consider the introduction of a 'greenhouse trigger' under the EPBC Act.<sup>5</sup> Under the proposal, the trigger would apply to actions or developments likely to result in greenhouse gas emissions over 500,000 tonnes of carbon dioxide equivalent in any 12 month period.
- 3.16 However, a report by the Senate Environment, Communications, Information Technology and the Arts References Committee (ECITA) is critical of the fact that only six of 30 matters in the COAG *Heads of Agreement on Commonwealth/State Roles and Responsibilities for the Environment* have been listed as matters of national environmental significance under the Act. The ECITA Committee does not consider the

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4 Industry Commission, *A full repairing lease: Inquiry into ecologically sustainable land management*, 27 January 1998, p. 110.

5 Commonwealth discussion paper, 'Possible application of a greenhouse trigger under the Environment Protection and Biodiversity Conservation Act 1999', downloaded from [www.environment.gov.au/epbc/consultation/greenhouse.pdf](http://www.environment.gov.au/epbc/consultation/greenhouse.pdf), accessed 2 November 2000.

'matters of national environmental significance' approach as useful, and recommended that it be abandoned.<sup>6</sup>

3.17 The Australian Conservation Foundation has also expressed concern over aspects of the Act. The ACF has stated that its concerns include:<sup>7</sup>

- Too many crucial aspects are proposed to be left to unenforceable guidelines rather than regulation;
- The bilateral agreements lack of legal enforceability; and
- The responsibility Australia has for places listed under World Heritage and Ramsar wetland conventions are not adequately translated into practice under the proposed framework.

3.18 The ACF said that as the Act stood at present:

World Heritage sites like the Great Barrier Reef, Franklin River, Fraser Island and the Daintree Forests are potentially threatened by the approach taken by the Act. Acting only to protect significant impacts on World Heritage values rather than to prevent any likelihood of damage to World Heritage properties, including its values is a dramatic departure from current law and the requirements of the World Heritage Convention.

3.19 The ACF stated that, in its view, the Act should be strengthened in the following ways:

- An accreditation system administered by an independent body such as a Commissioner for Ecologically Sustainable Development is needed to restore public confidence in the environment impact assessment industry.
- A process for independent monitoring and accountability of performance of State governments under the bilateral agreements is necessary. This could also be a role for the Commissioner.
- The benchmarks for assessment processes must include requirements for: consideration of the principles of ESD and cumulative impacts; offences for breach of EIA laws; post approval monitoring; full consideration of alternatives; mandated and sufficient opportunities for public scrutiny and involvement; accreditation system for EIA consultants; open standing for citizens seeking to challenge poor administration of environmental laws, and; public availability of all approvals and conditions.

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6 Senate Environment , Communications, Information Technology and the Arts, *Commonwealth Environment Powers*, pp. 6-7.

7 Available at: <http://www.acfonline.org.au/campaigns/epbc/briefings/aug2000.htm>; downloaded 19 October, 2000. An extensive critique of the Act, by ACF President, Mr Peter Garrett, is at: <http://www.acfonline.org.au/campaigns/epbc/discussion/pgspeech.htm>.

- The Commonwealth must not accredit any state assessment system which relies on mere administrative guidelines rather than laws to meet any of the Commonwealth benchmarks.

3.20 The Committee is not in a position to reach a conclusion about the concerns raised by the ACF, as it is outside the terms of reference of this inquiry, the Committee's deliberations, and the evidence taken. The extent of the powers conferred by the Act and how they may be used, is still unclear. A period of time will have to elapse before the success of the Act or lack of it is revealed. However, the Committee does believe that the Act represents a significant step in relation to the ecologically sustainable use of Australia's catchment systems. The Act should be closely monitored and, if amendments to improve its operation are called for, then they should be made. For this reason, the Committee proposes to continue to monitor the operation of the Act and, if appropriate at some future date, make such recommendations as appear appropriate.

### Recent Proposals: The National Action Plan

3.21 The National Action Plan released by the Prime Minister on 10 October, 2000 and endorsed by COAG on 3 November, 2000 will address salinity and water quality. The National Action Plan builds on the work of the NHT, the Murray-Darling Basin Commission, state/territory strategies and the COAG Water Agreement. The major elements of the National Action Plan are:

- targets and standards for natural resource management, particularly for water quality and salinity, with the States and Territories, either bilaterally or multilaterally, as appropriate. The targets and standards should include salinity, water quality and associated water flows, and stream and terrestrial biodiversity based on good science and economics;
- integrated catchment/regional management plans developed by the community, in all highly affected catchments/regions where immediate action will result in substantial progress towards meeting State/Territories and basin wide targets to reverse the spread of dryland salinity and improve water quality. The Commonwealth and States/Territories will need to agree on targets and outcomes for each integrated catchment/region management plan, in partnership with the community, and accredit each plan for its strategic content, proposed targets and outcomes, accountability, performance monitoring and reporting;
- capacity building for communities and landholders to assist them to develop and implement integrated catchment/region plans, together with the provision of technical and scientific support and engineering innovations;

- an improved governance framework to secure the Commonwealth-State/Territory investments and community action in the long term, including property rights, pricing, and regulatory reforms for water and land use;
  - clearly articulated roles for the Commonwealth, State/Territory and community to replace the current disjointed Commonwealth-State/Territory frameworks for natural resource management. This would provide an effective, integrated and coherent framework to deliver and monitor implementation of the Action Plan; and
  - a public communication program to support widespread understanding of all aspects of the Action Plan so as to promote behavioural change and community support.<sup>8</sup>
- 3.22 The central innovation of the National Action Plan is the establishment of a single, national ministerial council, involving all jurisdictions. Its functions would be to agree to targets and standards, and establish arrangements for monitoring progress in achieving them.
- 3.23 The National Action Plan will form the basis for the development of an Inter-governmental Agreement which was to be finalised by the end December 2000. The Agreement will be signed by the Council out of session and will provide the foundation for developing detailed agreements with the States and Territories to implement the Action Plan.
- 3.24 In order to commence action as soon as possible, it is proposed under the National Action Plan that initially the twenty catchments most highly-affected by dryland salinity be addressed. The Committee agrees with this approach.
- 3.25 The National Action Plan involves \$700 million expenditure by Commonwealth over seven years. The agreed principles for funding the National Action Plan, include:
- The Commonwealth's financial contribution of \$700 million for regional implementation of the Action Plan will be matched by new State/Territory financial contributions. In total, the Commonwealth, state and territory governments will allocate \$1.4 billion in additional funds to this program over the next seven years.
  - COAG agreed that the new financial contributions from the states or territories include funding attached to measures announced since the budgets of respective jurisdictions were passed, provided that money is redirected to joint funding under the Action Plan.
  - Commonwealth contributions will be available to a state or territory once agreement is reached on the implementation of the whole package of measures between the Commonwealth and the jurisdiction.

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8 The Prime Minister, the Hon. John Howard MP, *Our Vital Resources*, pp. 1-2.

- Participating communities will also be expected to make appropriate contributions in addition to the above.
- 3.26 Agreement was also reached at COAG that compensation to assist landholders where their property rights are lost will need to be addressed when catchment plans are developed. The Commonwealth indicated that it is prepared to consider making an additional contribution to compensate for the loss of property rights as a result of the adoption and implementation of a catchment management plan. This contribution is separate from the \$700 million provided by the Commonwealth that will be used to implement the Action Plan.
- 3.27 COAG also agreed that joint implementation of the outcomes of the national overarching agreement and access to Commonwealth funding will commence as each state or territory becomes a signatory to the agreement and a partnership between the Commonwealth and each state or territory is agreed.
- 3.28 In its June 1999 report, *Review of the Department of the Environment Annual Report for 1997 – 1998* the Committee recommended that existing data from whole of government resources and expertise should be collated to compile a state of the environment reporting framework. The Committee also recommended that ‘State of the environment reporting should provide a basis for future decision-making for all environment policies and programs’.<sup>9</sup> The Committee reaffirms these recommendations. The Committee believes that in order to maintain an effective foundation for decision making, it should be a condition of funding that the states and territories agree to a national reporting framework, the implementation of national targets and to maintain and extend their existing programs and efforts, especially in respect of the collection, collation and sharing of data between jurisdictions and agencies.
- 3.29 The National Action Plan and COAG agreement represents a large and welcome movement in policy. It demonstrates Commonwealth leadership in this area. It also indicates that Commonwealth leadership is necessary if appropriate and successful multi-jurisdictional initiatives in this area are to be developed and implemented.

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9 House of Representatives Standing Committee on Environment and Heritage, *Review of the Department of the Environment Annual Report for 1997 – 1998*, Recommendation 2, p. 24.

## Weakness of the current arrangements

- 3.30 While the existing arrangements have produced some notable local successes, at a whole of catchment and national scale they contain fundamental weaknesses. These have led, overall, to a poor policy response and resulting programs that have not been as effective as was possible, given the resources available. The Committee acknowledges that many of these weaknesses will be addressed if the Action Plan is implemented. However, the Committee believes that while the action plan is an important beginning, it can be strengthened still further and its goals will more likely be attained if some additional initiatives are implemented.

## Constitutionally uncertain: The constitutional powers and options for the Commonwealth

- 3.31 Primary regulatory responsibility for land management issues is a matter of dispute. The generally accepted and traditional view is that the basic constitutional powers and responsibilities for land and natural resource management reside with the states.<sup>10</sup> The Commonwealth can influence the actions of the states by way of powers that it possess; for example, the external affairs powers, the corporations powers and responsibilities for trade and commerce.
- 3.32 This traditional view has been described by the Senate Environment, Communications, Information Technology and the Arts References Committee, as ‘more imaginary than real; more the result of uncertainty or a lack of political will than a real absence of power’.<sup>11</sup> This view would seem to be supported by a judgement of the High Court, regarding early Commonwealth environment legislation, which found that although the Constitution of the Commonwealth did not contain a specific legislative power enabling the Parliament of the Commonwealth to legislate in respect of environmental matters, other powers could be used to regulate environmental matters.
- 3.33 Moreover, ECITA noted a number of landmark decisions of the High Court, and concluded that the ‘traditional assumption of general, if not plenary, state authority over the environment has been discredited’ and that the Commonwealth has ‘the power to regulate, including by

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10 For example, see the Industry Commission’s, *A full repairing lease*: p. 81.

11 Senate Environment, Communications, Information Technology and the Arts References Committee, *Commonwealth Environment Powers*, May, 1999, p. ix.

legislation, most, if not all, matters of major environmental significance anywhere within the territory of Australia'.<sup>12</sup>

- 3.34 While noting these conclusions, the Committee believes the matter is not sufficiently clear to make a definitive observation. It is likely that Commonwealth power in respect of the environment will have to be argued and decided on a case by case basis unless some form of constitutional change occurs.
- 3.35 What is clear is that the uncertain boundary between Commonwealth and state responsibilities has led to the present disjointed, piecemeal, ad hoc approach. Moreover, uncertainty over its area of responsibility has prevented more decisive action by the Commonwealth and the development of national, consistent policies. It has also prevented the development of the most appropriate catchment management policies within states and territories.
- 3.36 There are other nations facing substantial environmental problems, for example the United States, that share a similar federal structure to that of the Commonwealth. They too face uncertainty arising from the fluid and ill-defined powers of the different levels of government and the vague division of responsibilities provided for in their constitutional arrangements. The Committee believes that when responding to the recommendations in this report the approach adopted in those other jurisdictions should be examined to determine whether a suitably adapted approach from those jurisdictions may be useful here. The Committee wishes to note that overseas approaches to conservation in respect to private land will be examined further in its inquiry into public good conservation – impact of environmental measures imposed on landholders.

### **Vulnerable to political considerations**

- 3.37 In developing any national public policy, it is a fact of life that at any one time in Australia there will always be at least one jurisdiction within 12 months of an election.
- 3.38 This confers a great protection upon the Australian community by reminding legislators of their insecure tenure and accountability to their respective electorates. However, unless a bi-partisan approach is adopted, the electoral cycle can delay the development of public policy and extend the time taken for the implementation of policies within a jurisdiction.

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12 Senate Environment, Communications, Information Technology and the Arts References Committee, *Commonwealth Environment Powers*, pp. 9-10.

More widely, the combined effect of the national, state, territory and local government electoral cycle can, unless the major parties reach a broad consensus, also delay the development of public policy and extend the time taken for the implementation of policies where levels of government must reach agreement. It makes working for agreements between the various jurisdictions time consuming and slow. One of the major difficulties it produces is that legislators face well-organised special interest groups whose lobbying may undermine the development of appropriate public policy.

3.39 The result is that political parties and other organisations may seek to exploit the genuine concern felt in all sectors of the community over the ecologically sustainable use of Australia's catchment systems. It may happen that policies and programs are promised that, while being electorally advantageous are environmentally ill advised.

3.40 Evidence to this effect was provided by Professor Russell Mein, the Director of the Department of Civil Engineering, Cooperative Research Centres for Catchment Hydrology, Monash University. When asked whether the disagreement would be resolved politically, between those who wished to control salinity and those who thought it was more important to have access to large quantities of water, Professor Mein testified:

Absolutely. I can recall my very first job which was in the Murrumbidgee Irrigation Area, where we were looking at the new area at Colleambally. The question was: do we allow rice to be grown there? The scientific view was that rice had been a problem in the area. For the Colleambally irrigation areas, the political decision was to allow rice for the first six years just as a cash crop to start them up; then it was made permanent. Now the watertables have come right up to the surface. People are saying, 'What is the solution to this?' The solution was known before they even opened up those areas and was presented and the department put that point of view. However, the political decision was to let the rice grow. The answer is that it will be a political decision and it will be a hard decision.<sup>13</sup>

3.41 Mr Phillip Toyne and Mr Rick Farley, discussed the way that the funding process could become the subject of allegations of favouritism. They reported that the method of distributing the resources of the NHT gave rise to the easily made criticism, and a perception, that the funds had been used 'for "political" purposes', even though the distribution of funds for

projects administered by the former government, was essentially the same. They also reported the claim that the present and the former Government vetted appointments to advisory bodies to ensure that supporters were appointed and critics excluded.<sup>14</sup> Mr Toyne and Mr Farley observed that:

At the moment, the Commonwealth Ministers for the Environment and Agriculture make final decisions about funding for projects based on recommendations from State and Regional Assessment Panels. Inevitably, they are open to charges of political convenience about the way funds are allocated...<sup>15</sup>

- 3.42 NHT funding is often dependent upon the recipient of the funding entering into an agreement to reach desired goals or outcomes. However, the Committee is of the view that these agreements are not always sufficiently rigorous, strictly enforced or closely monitored. An example is the failure to secure tree clearance controls, in Queensland, prior to National Vegetation Initiative funds being made available. As a result, the desired outcomes may not be attained. The Committee believes that because of this, a large portion of the NHT funding has not been used to best effect.
- 3.43 It is important, in the Committee's view, that a bi-partisan approach be developed and maintained. The Committee believes that the easy allegations and mis-perceptions are best dealt with through transparent processes and providing the community with reliable information about the processes, the institutions, and the best way to address the environmental problems that face the nation. In short, the initiatives that are adopted should seek, as far as possible, to de-politicise the development of policies and the strengthen institutions and trust in them through community involvement at all levels.

### **A lack of a comprehensive understanding of the problems**

- 3.44 We must have sufficient understanding of the problems, their extent and useful remedies if we are to implement the ecologically sustainable use of Australia's catchment systems. The importance of reliable information and the effect of a failure to collect it are illustrated by Ms Rosalyn Bell and Dr Stephen Beare. Writing about the use of salinity targets in the Murray-Darling Basin, they observed that:

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14 R Farley and P Toyne, *The Decade of Landcare*, p. 12 – 13.

15 R Farley and P Toyne, *The Decade of Landcare*, p. 12.

...with a lack of information on the physical processes of salinisation, it cannot be taken on principle that the introduction of a policy instrument will lead to net benefits.

...

Market based instruments can be effective in ensuring that any mandated salinity mitigation actions, such as the introduction of agroforestry, are undertaken by those who could do so at least cost. However, market participants may face prohibitively high costs of acquiring information and trade may not lead to an efficient outcome. Policy makers are also unlikely to have the information required to efficiently set charges, offer subsidies or establish regulations.<sup>16</sup>

...

It is likely that differences in the impact of groundwater recharge and salinity discharge throughout the basin will require regionally differentiated policy instruments. This can greatly increase the information requirements of policy makers. Effectively defining the obligations of landholders who trade permits or receive subsidies depends on an understanding of the controllable processes that affect groundwater recharge and the costs of saline discharge into rivers and the landscape.

In the longer term, the ability to design effective policy options may depend on the extent of understanding the biophysical problem and its economic implications. As understanding improves, it is likely that the design of the best policy option will change. It is important to retain flexibility in policy design to minimise the costs associated with adapting policy to current circumstances.<sup>17</sup>

- 3.45 The lack of reliable information is, an ongoing problem all levels, from policy makers to citizens who will need to be motivated to deliver program responses to specific areas. The following newspaper report is indicative:

One large farmer in baggy shorts and towelling hat sought out the media to stress how cotton saved Bourke following the demise in wool prices and the near extinction of the township.

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16 'Salinity Targets in the Murray Darling Basin', *Australian Commodities* 7 (2000), p. 352.

17 'Salinity Targets in the Murray Darling Basin', p. 356.

Cotton growers should be able to flood irrigate from the nearby Darling River, he said.

He was vaguely aware of the problems being created downstream in South Australia but added it didn't matter if the Murray Mouth blocked up because of lack of flow.<sup>18</sup>

3.46 The Committee wishes to stress that, from the evidence it has received, it is convinced that there is enough existing information to formulate policies and strategies. The Committee, however, is aware that the dissemination of reliable information throughout government, industry and local communities at present can be very poor.

3.47 In its 1998 report, the Industry Commission observed that:

the development of environmental indicators, which will provide measures of environmental health and/or the sustainability of natural resource management practices, is hampered by the lack of relevant information on the state of the environment. ...most existing reporting [on the state of the environment] does not provide information in sufficient detail for management decisions at the regional or local level.<sup>19</sup>

3.48 It seems that little has changed. Dr Wendy Craik, NFF executive director, told the Committee that in her view translating research results and providing information 'out to people on the ground is probably one of the areas that we are generally woeful at in this country'.<sup>20</sup>

3.49 The Committee also notes the observation in *Managing Natural Resources in Rural Australia for a Sustainable Future*, that:

Ready access to relevant data and information—economic, environmental and social—is essential to the development of sound policies and programs, innovative farming systems and better management approaches. It also helps to guide property management, regional planning and structural adjustment decisions.

...

At present there are significant gaps in data and information on the environmental, social and economic aspects of natural resource management at all decision-making levels—farm, local and national, and particularly the catchment and regional levels.

18 P Coorey, 'Sold up the river', *The Adelaide Advertiser*, 24 July, 2000, p. 19.

19 Industry Commission, *A full repairing lease*, p. 111.

20 *Transcript of evidence*, p. 305.

Monitoring the state of our natural resources and the impacts of changing production practices means that data need to be collected regularly and consistently. We need robust and affordable systems for sharing data at the national, State and Territory, regional and farm levels.<sup>21</sup>

- 3.50 The Committee agrees that ongoing data collection and analysis is required to ensure that policies and programs remain appropriate to the circumstances of a particular catchment region. It is also clear that the ineffective collection and use of data has limited the success of current catchment management programs. Apart from this reason, however, there also appears to be limited attempts in this case to test Australian environmental standards against international practices. For example, Mr Peter Garrett, President of the Australian Conservation Foundation, stated in a speech to the National Environment Defender's Office that state governments and industry groups had worked to reduce the number of chemicals listed as toxic and environmentally hazardous from 120 to 36, as compared to 650 listed as such in the United States.<sup>22</sup>
- 3.51 The point that this example makes is that policy makers should engage in ongoing comparisons of their proposals against international practice and ensure that they are capable of explaining discrepancies.
- 3.52 From the evidence available to it, the Committee concludes that while there is an expanding body of information in this area, it is often inaccessible, patchy, uncoordinated and uncollated. Consequently, policy makers and program designers cannot use the information to the best effect or in the most efficient manner. The Committee also considers that data and information collection, analysis and collation should be maintained to ensure that the best possible information is always available upon which to formulate the most appropriate policies and programs.
- 3.53 It must be noted, however, that this conclusion does not justify inaction on the grounds that there is not enough information to base sound policy. The Committee rejects such calls for inaction.
- 3.54 While complete information upon which to base a total and final solution is not and will never be available, there is sufficient information available to devise and implement policies and programs that we know, with a high level of certainty, will address the most pressing problems.

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21 AFFA, *Managing Natural Resources: A discussion paper for developing a national policy*, pp. 80-81.

22 'Commonwealth Environment Laws: get in-depth', downloaded from [www.acfonline.org.au/campaigns/epbc/discussion/pgspeech.htm](http://www.acfonline.org.au/campaigns/epbc/discussion/pgspeech.htm), accessed 3 October 2000.

- 3.55 No doubt, as knowledge advances, new techniques will be devised and different policies will, in time, become appropriate. For the time being, however, and until knowledge advances, we must make a start with the tools and techniques at our disposal. The Committee has received enough evidence for it to conclude that there is sufficient information for policy makers to know what needs to be done for an appropriate start to be made.

### Property rights issues

- 3.56 Evidence from agriculturalists and their lobby groups indicated that the clarification of property rights and the exercise of perceived property rights, lies at the heart of the catchment management debate. There is not, at present, a comprehensive understanding of the issue. A clear definition of property rights allows landholders and the wider community to gain an understanding of what land practices are or are not appropriate, what individuals are allowed to undertake on their property, who is ultimately responsible for these practices, and under what circumstances compensation should be provided. The current lack of clearly defined property rights has, therefore, a number of implications for both landholders and for the wider community.
- 3.57 The issue is very complex, and depends on several dynamic factors, such as current community attitudes and current scientific knowledge. For this reason, there is often a reluctance to get involved in the issue, and it is often relegated to the 'too-hard' basket.
- 3.58 Importantly, some landholders' assumptions concerning their property rights may make them reluctant to invest. Given that the dangers of excessive land clearing are now widely recognised, legislation to restrict land clearing practices has been implemented in a number of states and territories. In some cases, these restrictions have prevented landholders using the land they way they intended, and they have suffered a loss of future income as a result. For example, some people intended to reserve trees on their property in order to provide themselves with a self funded retirement. A number of these areas have now been reserved through legislation and a number of landholders have lost investments.
- 3.59 The concern about certainty of property rights also includes certainty of conservation responsibilities. Dr Wendy Craik considered that:
- ... it is true that farmers are concerned about having conservation responsibilities placed on them without also having certainty in many of their property rights and without having conservation for

removal of property rights or even a loss of future potential production.<sup>23</sup>

- 3.60 Dr Craik also noted that attitudes towards property rights are also important:

You would have to say that, in many cases, land-holders in Australia were given land and basically had to develop it under the conditions under which they were given that land. They were encouraged to develop it, their ability to develop it was not fettered in any way, and that was encouraged and fostered by governments. That has led to a particular belief system which we may or may not think is right today, because values have changed.<sup>24</sup>

- 3.61 The property rights problem should not be overstated. The Committee notes that there are many landholders who do not feel that their property rights are threatened by catchment management programs. These landholders are focusing on addressing the land use and management problems that confront them and working within the existing structures. Nevertheless, it would be useful for all landholders if the issues of property rights is clarified.
- 3.62 The issue of property rights will be discussed more fully by the Committee in its report on its Inquiry into Public Good Conservation – Impact of Environmental Measures Imposed on Landholders.

### Poor access to information and skills

- 3.63 Evidence available to the Committee indicated that access to accurate information concerning the cause of problems and useful solutions to them, is essential if effective programs are to be developed and delivered. Evidence also indicated that ready access was often not available, thereby making the formulation of appropriate programs difficult.
- 3.64 Information is required for a number of different but related purposes. First, it is the basis upon which to identify problems and problems areas. Second, it is essential in developing effective corrective strategies. Third, it is required in order to motivate the community, policy makers and legislators to act.
- 3.65 The lack of access to information has been an ongoing problem in this area. In 1998, the Industry Commission reported that,

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23 Inquiry into public good conservation, *Transcript of Evidence*, p. 224.

24 Inquiry into public good conservation, *Transcript of Evidence*, p. 226.

...those making decisions about the ecologically sustainable management of land and associated resources are facing significant difficulties obtaining the necessary data. Sometimes the data does not exist, at other times it may exist, but be incomplete, or not in a useable, or easily accessible form.<sup>25</sup>

- 3.66 The Committee has found that there has been significant research undertaken in a number of environmental areas. However in a private meeting with the Committee, the National Land and Water Resources Audit (NLMRA) pointed out that much of this information is collected and then not used.
- 3.67 The NLWRA also indicated that obtaining access to environmental data held by the states can be problematic. It was pointed out to the Committee that state agencies do not foster a culture of information sharing, and often demand high prices for access to data. The NLWRA, who have been involved in a project which requires access to information held by the states, found that it took them 18 months to obtain information held by some states.
- 3.68 In addition, the Committee itself experienced the difficulties associated with gaining access to environmental information. While attempting to source maps of catchment areas, the Committee contacted a number of government agencies in each state. The Committee was often met with unhelpful responses, agencies with little knowledge of the issues even within natural resource departments, and, in a number of states, serious communication difficulties both within and between relevant departments. The Committee also found that the price that many agencies charged for what should be essential and basic information was excessively high.
- 3.69 The Committee was advised by the NLWRA that the lack of coordination between different departments and natural resource management groups results in the duplication of data collection. As well, owing to the lack of communication between agencies and other groups, information may not be not collected in a uniform manner, therefore decreasing the ability to apply the data at a national level.
- 3.70 The Committee recognises that the Commonwealth government is attempting to address this problem through programs such as the Australian Rivers project (AusRivas), which puts forward national guidelines in an attempt to standardise data collection approaches.

- 3.71 However, as a result of the uncoordinated and uncooperative approach taken by some state agencies to the collection and sharing of environmental data, it can often be difficult to obtain data and apply it at a local, regional or national level. The development of appropriate and effective policies is therefore thwarted.
- 3.72 Evidence available to the Committee indicated that there is a considerable problem transmitting information, skills and motivation into communities and down to the level of actual program delivery. In this respect, evidence available to the Committee indicated that the loss of agricultural extension officers, the information and expertise that they provided, has severely affected landholders' access to information and their options for action.
- 3.73 The face to face discussions, such as provided by extension officers, were seen by many as a vital link in getting scientific information to the community, where it could be used on a practical level.<sup>26</sup>
- 3.74 Extension officers visited farmers on their properties and provided up-to-date information on the latest land use practices. Many of these officers came from the local area, knew the local people, understood the issues and were trusted by the farming community. They also provided less formal, but still fundamental information relevant to the local area, such as who was currently using which techniques, and what was the most effective.
- 3.75 Extension officers fostered trust in the programs offered and the agencies concerned. The importance of trust to developing programs for the ecologically sustainable use of Australia's catchment systems cannot be overestimated. Trust is vital in developing community awareness of the environmental problems facing catchment areas and in motivating communities and individuals to change their land use practices.
- 3.76 Developing and implementing policies and programs for the ecologically sustainable use of Australia's catchment systems faces a high level of suspicion about government and government sponsored information. The Committee believes that extension officers have an important role to play in fostering trust in information, institutions and programs.
- 3.77 The loss of extension officers is part of a general problem. Many landholders today do not have that direct access to information. Ms Anwen Lovett of the National Farmers' Federation testified that:

The loss of state extension officers is one we hear a lot about NHT facilitators can achieve certain things ... There are land-holders

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26 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resource'*.

who say, 'Okay, I've been involved in Landcare for 10 years; I'm aware of these issues on my property; I don't have access to the technical expertise to help me with my farm plan, to help me outline what work I need to undertake over the next five, 10, 20 years'. I'm hearing that quite a lot now – that they just do not have access to people in their region, on the ground, who can advise them.<sup>27</sup>

- 3.78 On the same point, the Upper Barwon Landcare Network advised the Committee that, 'As landowners, we are generally keen to amend the mistakes of the past, but we need the guidance and assistance of professional and public resources to achieve common goals for catchment care and protection'.<sup>28</sup>
- 3.79 Ready access to information poses a serious threat to the delivery of effective catchment programs. The Upper Barwon Landcare Network advised the Committee that:
- Experience shows that landowners keen to ameliorate an environmental problem on their land will sometimes adopt ineffective practices, for the want of access to better information. Information extension is currently a critical short-coming, partly because funding tends to be allocated for on-ground works in preference to information dispersal. Actions to make practical information accessible to landowners would be a useful priority right now.<sup>29</sup>
- 3.80 Traditionally, one of the most effective conduits of information and expertise to landholders has been the agricultural extension or field officer. The Committee notes from its own observations and evidence provided to it, that the states and territories have diminished or, in some cases, entirely discontinued this service. The Committee is also aware that the loss of extension or field officers has been part of a process that has involved a lack of secure funding to build and transmit a knowledge base. Such policies are short-sighted. The result has been a lack of continuity of information and expertise, and a loss of corporate knowledge, subsequently contributing to the development of ill-advised short-term goals rather than necessary long-term programs.
- 3.81 Moreover, the Committee is concerned that the current short term funding arrangement, where many groups have to reapply for funding on a regular basis, has created a lack of continuity within institutions, leading
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27 Inquiry into public good conservation, *Transcript of Evidence*, pp. 238-239.

28 Upper Barwon Landcare Network, Submission no. 28, p. 1.

29 Upper Barwon Landcare Network, Submission no. 28, p. 3.

to an overall reduction in corporate knowledge of environmental management. The Committee also considers that by creating a lack of job security and stability, the current short term outlook has led to a difficulty in retaining experienced staff members with valuable knowledge of local conditions.

## Cost shifting

3.82 'Cost shifting' refers to the practice of removing funding from a program or other activity when another source of funding for that program or activity becomes available. Local and state governments engage in this practice and, in so doing, shift the cost of a program usually onto the Commonwealth. As a result, programs that the Commonwealth has sought to strengthen or enhance often find that their funding has not increased at all and the hoped for increase in program quality or level does not occur.

3.83 Mr Phillip Toyne and Mr Rick Farley, in their paper, *The Decade of Landcare*, provided this example:

Landcare also made it easier for State Governments to withdraw from regional Australia and from their traditional role of providing agricultural support. The Federal Government has provided funds for positions such as Landcare Coordinators, allowing State funded agricultural extension officers to be withdrawn. The Commonwealth agriculture department now funds well over 2000 full time equivalent positions (over 3400 individuals) to work on Landcare. The States have used this opportunity to 'cost shift' and to substitute federal money and positions for State resources.<sup>30</sup>

3.84 At present, there is no means by which cost shifting can be prevented or deterred. The Committee notes, however, that the National Action Plan would address this to some extent. A state or territory that agreed to implement the National Action Plan as a package would receive funding from the Commonwealth. Presumably, such an agreement would involve a clear financial commitment on the part of the state or territory, effectively 'locking in' funding. This would reduce the opportunity to remove funding and shift the cost to the Commonwealth.<sup>31</sup>

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30 R Farley and P Toyne, p. 13.

31 The Committee notes the recent action by the Minister for Agriculture, Fisheries and Forestry, the Hon. Warren Truss MP, announcing that the Commonwealth is cracking down on cost shifting in the media release 'NSW and QLD governments shift environment funds', 18 October 2000.

- 3.85 The Committee is concerned that the National Action Plan may be implemented in a manner similar to that of the NHT. In the Committee's view, the NHT is not adequately supported by effective partnership agreements that are based upon 'fair dinkum' commitments by partners to maintain effort, levels of resourcing and the full implementation of the range of actions required to address the problems facing catchments. Nor do the partnership agreements contain credible and effective enforcement measures for failures to honour the agreements reached. The Committee considers that the National Action Plan should be seen as an opportunity to effectively implement agreements with the states and territories. The Committee also believes that conditions should be strictly monitored and enforced. The Committee considers that if the requirements are not met, funding should be removed and only be reinstated upon compliance with the agreement.
- 3.86 The Committee believes that this is an important development in the funding of environmental programs which should be retained in all future agreements concerning environmental programs between the Commonwealth and the states and territories.

### **Reactive, not pro-active**

- 3.87 The Committee has observed that current environmental policies are generally reactive, not proactive. That is, policies have been developed to respond to specific issues or circumstances, rather than be part of a long-term planning process. The Committee believes that any approach taken must be consider long term effects, and be implemented within a 'whole-of-environment' context that also takes into account social and economic considerations.
- 3.88 Furthermore, the Committee is aware that some sections of the community argue against change in current policy arrangements because of a lack of scientific information creates uncertainty.<sup>32</sup> The Committee believes that this leads to a rigid, inflexible management approach.
- 3.89 Dr Wendy Craik from the NFF advised the Committee that while we do not have complete information, there was sufficient information available upon which to base policies and programs:

I suppose, like all issues, we can always learn more. But I believe our view is that it is about time we started tackling some of these.

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32 For example, see B Williams, 'Who put the 'con' in the conservation debate', 2 November 2000. Evidence was also presented to the Committee in a private meeting with the Land and Water Resources Research and Development Corporation.

We actually need to try some things out; if they do not work, then we need to make some adjustments. I think there is probably enough knowledge around for some areas to do a few trial runs on some of these things and actually do some practical experiments. Having been trained as a scientist, I know that it is very easy to say, 'Oh yes, that was interesting, but I really need to know.' I think it is about time we bit the bullet, and you might get another five per cent of information, but I think we have probably got enough to have a go.<sup>33</sup>

- 3.90 The Committee agrees. It does not consider lack of information to be an acceptable reason for not implementing changes to administrative structures, and recognises that management decisions must be made using the best possible advice at the time.
- 3.91 The Centre for Environmental Applied Hydrology has argued for an adaptive approach to catchment management, and their submission advised that:

This requires a management system for catchments which is capable of adapting to changing conditions, pluralistic in philosophy and pragmatic in application. This is a considerable departure from the way in which we currently management catchments in Australia for it requires decision-makers and researchers to embrace uncertainty and to consider policy-making as an *experiment* process, rather than a definitive exercise in which all decisions must be based on certain information and therefore, delayed until greater certainty is achieved through more research.<sup>34</sup>

## No co-ordinated national approach

- 3.92 The National Farmers Federation advised the Committee that:
- Ecological land water and vegetation systems are interdependent and do not recognise state, local government and individual farm boundaries. If the systems are to be managed as an integrated entity, management must at least occur at the catchment scale.<sup>35</sup>
- 3.93 Since catchments spread over local government, regional and state boundaries, co-ordination is necessary between the competent authorities to ensure a consistent approach.

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33 *Transcript of Evidence*, p. 304.

34 Centre for Environmental Applied Hydrology, Submission no. 87, p. 4.

35 NFF, Submission 34, p. 2.

3.94 At present, catchment management is largely regulated by individual states. As a result, legislation has focused, for the most part, on the needs of individual states, rather than what is required for responsible ecologically sustainable catchment management through an entire catchment system. The practical effect is that catchment management has become subordinated to state interests. The Murray-Darling Basin Association advised the Committee that:

[the] Association is concerned that particularly on the state border of the River Murray between New South Wales and Victoria there are situations where the states constitutional rights have reduced the effectiveness of catchment management.

Areas where this has from time to time been a problem include management of the Barmah/Millewa Forest where progress in adopting new management practices have been frustrated by state parochialism.

...

... the tools of Integrated Catchment Management should apply to all parts of a catchment irrespective of political boundaries either state or local.<sup>36</sup>

3.95 This is a pattern repeated not only between states that adjoin each other, but also local government areas. Good work in one area is undone by a failure to act appropriately and in co-ordination in another.

3.96 The major problem is that the decisions affecting the use of resources in one geographical location will have effects in another and possibly not for a number of years into the future. A close linkage between cause and effect may well be difficult to perceive because there is often a time delay, and because an environmental problem found in one area may be caused by land use practices hundreds of kilometres away. As a result, the benefits of altering land use and improved catchment management in one area may not be immediately apparent to the residents of that area, and they may see no point in altering their land use practices.

3.97 Moreover, the benefits may not accrue to the residents of a particular area, even though the cost of improved catchment management does. They have little motivation to participate in programs that aim to promote the ecologically sustainable use of Australia's catchment systems.

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36 Murray Darling Association, Submission 30, p. 2.

- 3.98 However, even when a number of residents do implement ecologically sustainable catchment management, other residents may not be motivated to participate. As a result, residents who do not participate will be in a position to obtain the benefits of participation without any of the associated burdens, effectively ‘free-riding’ on the efforts of others.
- 3.99 Two results generally flow from this. First, even if those who do choose to participate remain within a program, the overall effectiveness of the program will be diminished more than would be the case if all residents participated. The efforts at more effective catchment management will be undermined.
- 3.100 Second, over time, the number of participants will diminish when those who are shouldering the burdens of participation realise that their efforts are being diminished by the ‘free-riders’ and that, in effect, they are supporting the environmentally irresponsible practices of the free-riders.
- 3.101 The Committee concludes that for these reasons, any catchment management scheme should be an ‘all-in’ scheme: no one person, community or state should be permitted to free ride.
- 3.102 The Committee notes that there has been a strong move towards the development of regional plans.<sup>37</sup> There appears to be relatively little co-ordination between regions. This can lead to the efforts in one region being undone by the activities in another.
- 3.103 Such problems could be alleviated through better inter-regional and national co-ordination. The most effective means to attain this is through the development of national principles and national targets.
- 3.104 At present, there are no national principles or targets. The ACF wrote, in response to *Managing Natural Resources in Rural Australia for a Sustainable Future: A discussion paper for developing a national policy*, that:
- Australia lacks clear targets to aim for. Despite numerous strategies and policies from the national scale down to individual property plans, no-one has yet articulated what we are trying to achieve, why we are trying to achieve it, and when we must aim to achieve it by.<sup>38</sup>
- 3.105 As a result of ill-defined objectives and outcomes, state based programs and those provided nationally often fail to live up to their potential or

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37 Noted also in AFFA, *Managing Natural Resources*, p. 35.

38 ACF, ‘Submission in response to the discussion paper, *Managing Natural Resources*, p. 1.

hoped-for goals.<sup>39</sup> Such ill-defined objectives and outcomes also undermine transparency and accountability. This prevents community pressure being brought to bear on participants, administrators and ultimately, legislators, in such a way as to engender change and reliable attainment of appropriate results. This was noted in *Our Vital Resources: National Action Plan for Salinity and Water Quality in Australia*, when it was stated that a '...lack of agreed specific on-the-ground outcomes and targets for water quality, salinity and other natural resource management attributes has been a major barrier to guaranteeing a return to the Commonwealth's investment.'<sup>40</sup>

### Un-supportive administrative arrangements

3.106 Each state and territory has a variety of agencies, action groups and committees involved in natural resource management. The relationships between them can be extremely complicated and confusing. For example, there are currently 127 natural resource management and catchment groups in NSW alone. Many of these do not operate in conjunction with other groups in their area, resulting in a poorly coordinated management approach.

3.107 The *Interim Report* of the South Australia House of Select Committee on the Murray River highlighted this problem:

There are many organisations involved to varying degrees in the management and use of the natural resources of the South Australian portion of the Murray-Darling Basin. Evidence presented to the Committee has highlighted the current level of bureaucracy within the SA Murray-Darling Basin. The Committee has heard that the roles and responsibilities of each level is unclear and that there is widespread confusion amongst groups and the wider community.

The Committee is concerned that this situation is leading to duplication of effort, poor co-ordination and integration of activities within the SA Murray Darling Basin, and is thus giving rise to frustration amongst the community and the wasting of valuable financial and human resources.<sup>41</sup>

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39 This point was also made about the NHT by the Industry Commission. See, *A full repairing lease*, p. 117.

40 The Prime Minister, the Hon John Howard MP, *Our Vital Resources*, p. 2.

41 *Interim Report of the Select Committee on the Murray River*, South Australia House of Assembly, July, 2000, p. 24. Available at: [http://www.parliament.sa.gov.au/docs/interim\\_report\\_final1.pdf](http://www.parliament.sa.gov.au/docs/interim_report_final1.pdf)

- 3.108 The present Committee believes, on information received through private meetings, that this is a problem that is not confined to South Australia, but exists in all jurisdictions. Moreover, testimony received by the Committee indicated that there was poor integration and co-ordination between catchment bodies and local government agencies.<sup>42</sup> Catchment bodies may develop a catchment strategy, while local government bodies may develop their own, competing, plans and, in addition, have the legal authority to ensure implementation through zoning and planning laws, and by-laws.
- 3.109 Another deficiency in present administrative arrangements is the number of Acts that can effect catchment management in each jurisdiction. Table 3.1 outlines the number of Acts administered by the departments responsible for natural resource management in each Australian state and territory. This table provides an indication of the amount of legislation being used. It is not a comprehensive listing.
- 3.110 Many of these Acts either directly or indirectly affect the management of natural resources. A number of Acts are only applicable to a particular circumstance or specific areas, such as a lake or stream. The Committee considers that legislation implemented in this manner contributes to the ad hoc, piecemeal approach to catchment management in Australia.

**Table 3.1** Approximate number of Acts with environmental implications, administered by state departments

State	Department/s	No. Acts Administered
NSW	Dpt. Land and Water Conservation	52
QLD	Dpt. Natural Resources	19
VIC	Dpt. of Natural Resources and Environment	103
WA	Water and Rivers Commission Dpt. Environmental Protection Dpt. Conservation and Land Management Agriculture WA Office of Water Regulation Water Corporation	77 (combined total)
SA	Dpt Water Resources Dpt Environment and Heritage	10 24
TAS	Dpt Primary Industries, Water and Environment	95
NT	Dpt. Lands, Planning and Environment Dpt of Primary Industries and Fisheries Parks and Wildlife Commission of the Northern Territory	42 26 15
ACT	Dpt. Urban Services	72

42 *Transcript of Evidence*, pp. 8-9.

- 3.111 Multiple pieces of legislation combined with administration by a number of Executive government Departments provides an opportunity for administrative inertia, or worse, failure. Contradictory legislative requirements or powers, may lead to a lack of clear guidance for members of the community, as well as uncertainty. At best, it may produce confusion; at worst, it may deter participation in programs because they are seen as 'too hard'.
- 3.112 It is desirable that the legislative arrangements that apply to Australia's catchment systems be made less complex and more efficient. The Committee believes, however, that the current Parliamentary arrangements in each jurisdiction provide sufficient flexibility to address many of the problems that arise from the present arrangements. An example of which the Committee is aware is the appointment of a parliamentary secretary in the parliament of Victoria, to assist the premier in the administration of programs designed to alleviate salinity problems. Such an office can provide the authority to co-ordinate the responses of different ministries, to negotiate co-operation and agreements between ministries, and solve problems if and when they arise, by dealing with the ministers directly responsible. It is an approach, the Committee believes, that should be examined in all jurisdictions, including the Commonwealth.
- 3.113 It is accepted by all stakeholders that appropriate programs will be best delivered by regional institutions and communities. It was also apparent that, where regional bodies existed, they did not possess sufficient powers to ensure effective implementation of catchment management plans that were ecologically sustainable. The limitations of the present local and regional administrative arrangements, and their effect were noted in *Managing Natural Resources*: 'The restricted powers, limited resources and access to expertise, and differing obligations under State and Territory legislation have, however, led to great variation in local governments' commitment to sound natural resource management'.<sup>43</sup>
- 3.114 It is apparent that the delivery of appropriate programs will be strengthened by enhancing the management powers of regional bodies and communities and it is a major weakness of the present arrangements that regional local bodies have not, in general been given enhanced responsibilities in terms of catchment management decisions.
- 3.115 Competition between administrative departments for standing and authority in environmental matters can lead to differing advice and recommendations. This may lead participants to adopt inappropriate
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programs or to refrain from being involved. Such competition between departments amounts to ‘turf warfare’ with the result that the efforts of the departments competing are directed at winning the competition rather than solving the problems. Mr Phillip Toyne and Mr Rick Farley provided an example of ‘turf warfare’. There are other underlying institutional problems in the way that government deals with multifaceted issues such as Landcare, Mr Toyne and Mr Farley wrote:

At both Commonwealth and State levels, the sharp separation of responsibilities between agricultural and environmental agencies led to poorly integrated policy and program delivery. There was a clear sense that each represented different ‘constituencies’, with often deeply entrenched and conflicting policies and attitudes. A good example was the threshold issue of ‘cross compliance’, which was the question of whether Landcare funding should be conditional upon farmers accepting certain responsibilities for the sustainable use of their properties. One condition might be that in order to be eligible for a grant, damaging practices such as broadacre clearing should be prohibited. Setting such conditions was resisted by primary industries agencies because of their perception that it would alienate the farmers they were trying to encourage into the program. Environment agencies were more philosophically predisposed to attach conditions to public funding.<sup>44</sup>

3.116 Mr Phillip Toyne and Mr Rick Farley, also outlined two other criticisms. Although these applied to the Landcare initiative, they apply equally well to many other programs. A frequent criticism of Landcare was that funding of programs was ‘jealously administered by either the federal agriculture or environment departments (this is generally true of State agencies as well)’. This led, Mr Toyne and Mr Farley reported, ‘to complex and often overlapping applications by groups for funds’. They observed that ‘the most practical skill of Landcare members today is often their ability to write submissions’<sup>45</sup>

3.117 In a similar vein, Mr Jason Alexander advised the Committee that:

The development of catchment management in Australia has been hesitant and unsystematic. While there has been considerable activity in recent years catchment management has failed to live up to its much-acclaimed potential as a means of integrating land and water management. There is much that commends the

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44 R Farley and P Toyne, *The Decade of Landcare*, p. 12.

45 R Farley and P Toyne, *The Decade of Landcare*, p. 12.

approach, however, until there are comprehensive reforms to the policy institutional frameworks there is unlikely to much progress. Australia needs to implement comprehensive and systematic reforms to its land use systems...

There is much potential for integrating SOE reporting at all scales and involving the private sector and all tiers of government with a systematic frameworks...

An effective catchment based approach could have enormous potential at tackling many pressing environmental issues and play a critical role in meeting the goals articulated in various national and international strategies and policies, but codification of these responsibilities through to local government planning powers is essential...<sup>46</sup>

### **Failure to specify goals, targets and outcomes**

- 3.118 Over the past decade, the Commonwealth has funded two major projects aimed at environmental improvement: the Decade of Landcare and the Natural Heritage Trust.
- 3.119 Numerous other Commonwealth and State programs have also been implemented, all involving the expenditure of public funds. Projects often also involve large amounts of public participation, either through direct financial investment or the investment of time or allocation of other resources.
- 3.120 The Australian Bureau of Statistics (ABS) estimated that in 1996-1997 Australian governments, industry and households spent an estimated \$8,633.6 billion in 1996-97 on various measures to protect the environment.
- 3.121 This represented approximately 1.6% of GDP.<sup>47</sup> Other findings of this ABS survey are:
- Commonwealth, state and territory governments spent approximately 30% (\$2.6 billion) of national expenditure for environment protection in 1996-97. State governments accounted for 51% of this amount, whilst the Commonwealth and local governments shared the remainder.

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46 Mr Jason Alexander, Submission no. 77, p. 4.

47 Sources: ABS Media Release, 80/99, 2 July 1999; ABS, *Environment Protection Expenditure – Australia, 1995 - 1996 and 1996 – 1997*, Catalogue no. 4603.0, Canberra: Commonwealth of Australia, 1999; Internet article: 4603.0 Environment Protection Expenditure, Australia main features, 2 July, 1999; <http://www.abs.gov.au/>.

- The largest expenditure by the government sector was for activities aimed at the protection of biodiversity and landscape. This involved \$1.2 billion of \$1.5 billion or 18% of the total spent on environmental protection by all sectors for these activities in 1996-97. Activities included programs related to flora and fauna conservation, controls on land clearing and protection of world heritage properties.
- Commonwealth, state and territory governments provided around 43% of total environment protection services and products produced. Over half of this production was for services and products provided either free or at minimal cost to the community (non-market).
- Waste water management and waste management activities accounted for about \$5.5 billion or 63% of total expenditure for environment protection measures in 1996-97, by all sectors.
- Protection of the environment by Australian households was estimated to be \$2.6 billion in 1996-97. Most of this, \$1.7 billion, was spent on waste water services, such as sewerage rates and charges, septic systems and urban stormwater drainage.
- The corporate sector accounted for 40% of total national expenditure to protect the environment (\$3.4 billion in 1996-97). About 42% of total expenditure by the corporate sector was for waste management activities (\$1.5 billion in 1996-97).
- Within the corporate sector, service industries spent the most on waste management activities (\$948 million in 1996-97).
- Manufacturing industries spent the most on waste water services and water protection (\$271 million in 1996-97), with a large proportion of this being capital investment (\$128 million in 1996-97). Manufacturing also invested heavily in equipment and activities to protect ambient air and climate (\$203 million in 1996-97).
- For the corporate sector, protection of soil and groundwater was largely the domain of agricultural industries. Agriculture spent \$102 million in 1996-97 on measures to protect soil and groundwater.
- Most environment protection expenditure by the mining industries was for waste water management and water protection (\$90 million 1996-97) and protection of biodiversity and landscape (\$99 million in 1996-97).<sup>48</sup>

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48 Environment protection expenditure is defined by the ABS as 'actual expenses incurred by industries, households, the government and non-government organisations to avoid environmental degradation or eliminate part or all of the effects after degradation has taken

- 3.122 This expenditure occurs, for the most part, outside of a comprehensive and co-ordinated framework. The lack of a framework is an issue raised before this Committee not only in the context of this inquiry but other Parliamentary inquiries as well. It is clear that comprehensive frameworks are necessary to ensure effective use of funds.
- 3.123 For example, in March 1997, the House of Representatives Standing Committee on Environment, Recreation and the Arts reviewed the Auditor-General's report, *Audit Report No. 31 1995-96: Environmental Management of Commonwealth Land*. The Committee set out a number of the Auditor-General's findings, including that:
- There is no specific Commonwealth legislation or formal policy to guide Commonwealth land management entities when they are dealing with environmental matters... This is a major constraint on departments and entities seeking to establish priorities and actions in line with best practice.<sup>49</sup>
- 3.124 The Committee subsequently 'concluded that a Commonwealth policy on the environmental management of Commonwealth land is needed...' and recommended accordingly.<sup>50</sup>
- 3.125 Although the EPBC Act will go some way to addressing this recommendation, the larger issues of co-ordinating programs, and ensuring that programs meet desired targets and produce clear outcomes, are still largely unaddressed.
- 3.126 A failure to implement clear targets and specify outcomes does not only affect the management of Commonwealth assets. It has affected the allocation of funds for programs on non-Commonwealth property. Dr Wendy Craik, the executive director of the National Farmers Federation, when asked whether in her view, there had been no overall

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place. Typical examples of environment protection activities that incur expenditure include garbage collection services, sewage treatment, air pollution abatement and control technology (e.g. air scrubbers), habitat restoration (e.g. revegetation projects) and research into rare and endangered species'.

The ABS also notes that 'In Australia, much of the framework to ensure that environmental degradation is prevented, mitigated and restored by organisations or individuals and paid for (at least in part) by these same people or groups, is regulatory or legislative in nature. Other important motivating forces behind expenditure directed towards protecting the environment include market forces (e.g. public image, access to the 'green' market, resource efficiency) and altruism (e.g. expenditure motivated by values, such as stewardship and equity)'. Internet article: Australia Now - A Statistical Profile Environment Expenditure on protection of the environment, downloaded from [www.abs.gov.au](http://www.abs.gov.au), accessed 2 October 2000.

49 A review of *Audit Report No. 31 1995-96: Environmental Management of Commonwealth Land*, p. 1.

50 A review of *Audit Report No. 31 1995-96*, p. 28.

plan for the allocation of funding and no targeting of the worst cases, testified:

Yes. It [funding] is for particular projects that probably are significant in themselves but, if you are trying to change a landscape, you really need to address these issues on a landscape basis. I think it is fair to say that we are all getting wiser with hindsight. But we have said for some years that we would prefer to see the funding that is available address issues on a landscape basis; that is, get a plan for the region and then, with a number of projects that make up that region, deliver the funding.<sup>51</sup>

3.127 Ms Anwen Lovett, also from the NFF, testified that:

In my view, one of the gaps we have at the moment is that we have not really sat down and grappled with how we actually deliver on a regional strategy. We have a fairly good idea what we need to do but there are very few examples of actually getting in there and practically trying to deliver on a regional strategic plan at this stage. That is one of the areas we are trying to grapple with. The ad hoc nature of funding from the programs we have at the moment does not allow for that sort of strategic investment because the funding is spread across the landscape. You cannot measure outcomes when it is that widely spread.<sup>52</sup>

3.128 Mr Philip Toyne and Mr Rick Farley, would appear to support this testimony. In assessing the outcomes of the NHT, they concluded that ‘after spending \$1.5 billion over five years, the main outcome [of the NHT] is further increases in awareness, rather than substantial on-ground improvements on some strategic national priority issues such as land clearing, salinity and water quality’.<sup>53</sup> They also noted other successes, including the building of community motivation and the ‘creation of a new political force in the bush’.

3.129 The lack of objectives for the NHT was noted by the Industry Commission:

Not only does the Trust lack detailed objectives, but credible measures of what has been achieved by its various programs are yet to be developed. Such performance indicators are also required

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51 *Transcript of Evidence*, p. 292.

52 *Transcript of Evidence*, p. 293.

53 R Farley and P Toyne, *The Decade of Landcare*, p. 12.

for evaluation of projects at the community, catchment, regional state or national level.<sup>54</sup>

- 3.130 The importance of criteria to assess progress is widely recognised. In *Managing Natural Resources: A discussion paper for developing a national policy*, it is stated that:

The development of indicators that show whether the use of natural resources is sustainable at the regional and farm level would assist managers in matching resource use to resource capability. These sustainability indicators should be capable of monitoring change in the condition of the natural resource base, other environmental values, net economic returns, and social wellbeing.

Such indicators could be used by regional communities and industries to monitor progress towards sustainability and evaluate the impacts of particular management practices. They would also help investors and financial institutions in valuing properties on the basis of natural resource condition.<sup>55</sup>

- 3.131 The consequences of failing to have in place appropriate targets and the need for them was clearly articulated in *Our Vital Resources: National Action Plan for Salinity and Water Quality in Australia*. The Action Plan states:

...the lack of agreed specific on-the-ground outcomes and targets for water quality, salinity and other natural resource management attributes has been a major barrier to guaranteeing a return on the Commonwealth's investment.

Agreed targets and standards will need to be set between the Commonwealth and the States and Territories, either bilaterally or multilaterally, as appropriate, in consultation with the relevant community to ensure effective use of funding.<sup>56</sup>

- 3.132 Given the history of programs designed to deliver ecologically sustainable use of Australia's catchment systems it is astonishing that such indicators have not been developed hitherto and that policy makers are still at the stage of testifying to the need for indicators.

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54 Industry Commission, *A full repairing lease*, p. 359.

55 AFFA, *Managing Natural Resources*, p. 80.

56 The Prime Minister, the Hon John Howard MP, *Our Vital Resources*, p. 2.

- 3.133 Moreover, the Committee concludes that the most efficient use of public monies, held by the Commonwealth or the states and local government, have not occurred, owing to a lack of clear targets and specified outcomes.

## Proposals for more effective administration

### Overview

- 3.134 The Committee believes that the problems in the present arrangements can be addressed by adopting an integrated and co-ordinated national approach. Far from being the most costly option, the Committee believes that this approach will lead to considerable cost savings through the reduction of duplicated services, better co-ordination and a sharper focus on effective program delivery leading to a more efficient use of human and financial resources.
- 3.135 These outcomes can be achieved, the Committee believes, by using the legal and financial resources that are presently available in the jurisdictions of the Commonwealth, more clearly defining the duties and responsibilities of the various jurisdictions and including non-governmental partners in the development and delivery of programs. The approach recommended requires modest structural and institutional change. Overall, the strategy would be to:
- identify principles and goals, facilitate, fund and monitor catchment management strategies at a national level;
  - devise specific solutions and co-ordinate the delivery of appropriate programs at a whole-of-catchment and sub-catchment level; and
  - deliver specific programs on a local level.
- 3.136 This integrated, nationally co-ordinated and funded approach, involving at its core local communities, is supported overwhelmingly in submissions to this inquiry and other information available to the inquiry.<sup>57</sup>
- 3.137 The assumption underlying this approach is based upon experience and the evidence given to this Committee. The assumption is that the best

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57 For example, see D Menz, Submission no. 41, p. 3; Western Catchment Management Committee, Submission no. 57, p. 8; J Alexandra, Submission no. 77, p. 4; Upper Murrumbidgee Catchment Coordinating Committee, Submission no. 98, p. 8; B Hooper, Submission no. 147, p. 10.

outcomes<sup>58</sup> will be delivered when Australians see the extent of the problems facing Australia's catchment systems, the effect now and in the future on our lives, and as a result, voluntarily implement remedial action. Information, persuasion, education, incentives to change land use practices, and alternative opportunities for land use, must be provided to members of the community. Enforced compliance should be avoided. It should be reserved only for those cases where a particular outcome is required and all persuasive approaches have failed.

3.138 The approach proposed is represented in the following diagram. The major institutions and the roles they have in a nationally integrated approach are depicted. They are linked, not through hierarchies of power but partnership and co-operation. The overall system is one that allocates responsibility to those people who are best placed to discharge it, while enabling accountability. The remainder of this chapter fills out the details of this approach.

3.139 A similar approach has also been advocated by Mr Phillip Toyne and Mr Rick Farley, who, after assessing a decade of Landcare and the operation of the Natural Heritage Trust, wrote:

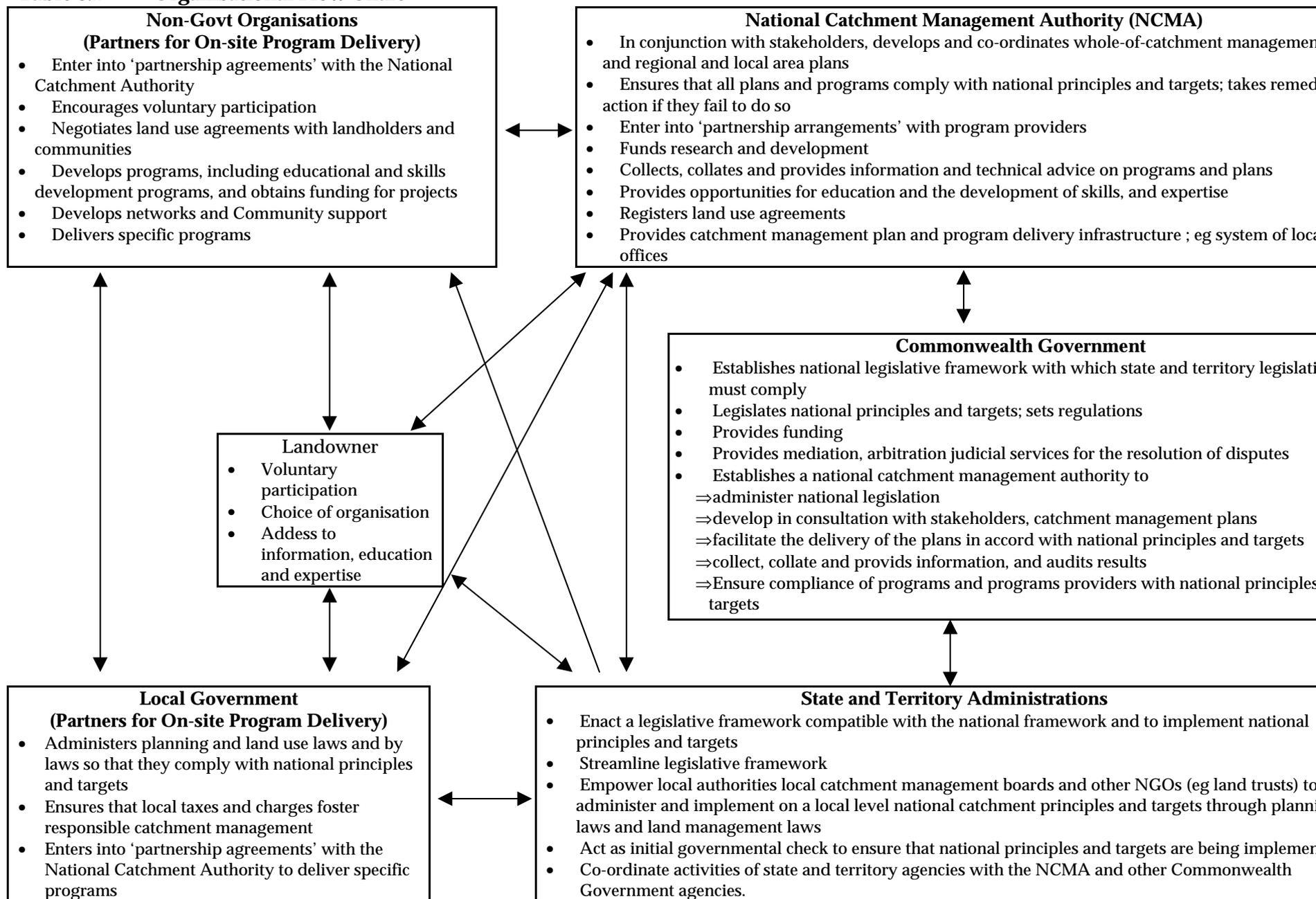
A better model would be for the Commonwealth to fund implementation of accredited regional plans, against national priorities and targets developed by expert advisory groups and agreed by all governments. Decisions about funding and oversight of implementation at a project level would be left to regional bodies, subject to audit against agreed priorities and targets.<sup>59</sup>

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58 'Best outcomes' are those that attain the results needed, are co-ordinated are stable over time and which tend to enhance community life rather than fragment it.

59 R Farley and P Toyne, *The Decade of Landcare*, p. 12-13.

**Table 3.2 Organisational Flow Chart**



- 3.140 The Committee agrees with these sentiments. Later in this chapter the Committee will discuss the accreditation of management plans and tying funding to plan accreditation. The Committee notes, however, that the development of accredited plans must involve the community and have a clear social dimension, if the plans are to have legitimacy with those who implement them and in order for the plans to motivate stakeholders. The planning and accreditation processes, and the level of community involvement, is just as crucial to success of the plan as the details that it contains. Similarly, the accreditation of the plan is vital to ensure the effective delivery of appropriate programs to respective locations, and also to ensure that public monies are spent in ways that advance the interests of all the community.
- 3.141 Before going on to set out its preferred approach, the recently released National Action Plan for Salinity and Water Quality in Australia will be discussed. There have been a number of proposals to promote the ecologically sustainable use of Australia's catchment systems, and the National Action Plan is the most recent and detailed.

### **National Action Plan for Salinity and Water Quality in Australia**

- 3.142 As noted, the Committee believes that the National Action Plan, adopted by COAG on 3 November, 2000, is an important and commendable initiative in advancing the ecologically sustainable use of Australia's catchment systems. The plan addresses many of the concerns and encapsulates many of the suggestions made to this inquiry. In particular, the Committee notes the Commonwealth's offer of compensation, additional to the funds already promised, and the proposal to foster agreement with the states on targets and outcomes by linking funding strictly to compliance with clearly articulated standards.
- 3.143 Evidence collected by the Committee in the course of this inquiry, however, suggests a number of areas in which the action plan may be strengthened. For example, the National Action Plan is focused on salinity and water quality. However, there are a number of other significant threats to Australia's catchment systems and their potential environmental, social and economic cost is enormous. As noted already, these include acidification of soils, loss of biodiversity, weeds and pest animals.
- 3.144 The Committee notes that these problems are recognised in the National Action Plan, however, the National Action Plan proposes that they should be addressed at some later time and that agreement by the

Commonwealth to a subsequent commitment will be conditional on an agreement by the states and territories to the National Action Plan.<sup>60</sup>

- 3.145 The Committee believes that any national approach to the ecologically sustainable use of Australia's catchment systems should incorporate all these issues from the beginning and that the National Action Plan would be strengthened considerably if it did.
- 3.146 In addition, the Committee notes that the National Action Plan relies upon the development of agreements between the Commonwealth, the states and the territories. History tells us that such agreements can take long periods of time to reach and can fall victim to political considerations.
- 3.147 Although funding from the Commonwealth will be available only to those states that agree to implement the National Action Plan as a package,<sup>61</sup> a state may decline to participate, and when a state does participate, disputes may arise about the extent to which a state has complied. Some form of arbitration mechanism is required in order to settle disputes.
- 3.148 Under the Action Plan, the Commonwealth will have a facilitating and co-ordinating role, defined by the voluntary agreements that it can come to with the states and territories. There is no way proposed under the Action Plan, whereby a state that chooses not to participate can be required to conform.
- 3.149 The Committee believes that some means should be found to ensure that all jurisdictions follow national goals in the ecologically sustainable use of Australia's catchment systems. The Committee also believes that the role of the Commonwealth is more active than simply facilitating and co-ordinating by way of voluntary agreements, but should include regulating.
- 3.150 The National Action Plan proposes to deliver programs via catchment/regional bodies. Evidence available to the Committee indicates that program delivery will occur most effectively via such bodies and the Committee supports this aspect of the National Action Plan.
- 3.151 The plan outlines the powers of these bodies, their legislative basis, how the Commonwealth will ensure that they have similar powers and functions in all jurisdictions, and how they will be co-ordinated. Again, consistency is delivered via agreements with the competent jurisdictions and their willingness to enact appropriate legislation. The Committee does have some reservations about the capacity of the plan, as it stands, to

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60 The Prime Minister, the Hon. John Howard MP, *Our Vital Resources*.

61 The Prime Minister, the Hon. John Howard MP, *Our Vital Resources*, p. 6.

deliver the consistency that is required, and believes that a more extensive framework, resting on Commonwealth legislation, is required.

## Proposals

- 3.152 Catchment systems do not recognise political boundaries. Problems are frequently created in one part of a catchment in one state or territory or local government area, while some effects are experienced elsewhere. Even when a catchment is geographically isolated from another catchment, such as is the case with Tasmania, a problem in such a catchment can be felt nationally, through the effect on the nation's economy. Catchment management is not then an issue and a responsibility for the people who live in a particular catchment. Ecologically sustainable management of Australia's catchment systems should concern all Australians and all sectors of the economy.
- 3.153 The Committee recognises that management activities in some catchments may appear to function more effectively than activities in other catchments. This may be related to the proximity of the community which caused the problem to impacts of that problem. The more that cause and effect are separated, the more difficult it is to motivate change in the behaviour of people whose actions cause environmental degradation. The Committee considers that, as a result, the willingness of communities to act on environmental issues which may be affecting surrounding regions may be dependent on their proximity to those regions. For example, if an environmental impact caused by a community is affecting their immediate neighbours, communities may be more willing to help than they would be if the impact was experienced by a more distant community, or a community in another state.
- 3.154 Moreover, the problems facing Australia's catchment systems will not be solved in a decade or even a quarter of a century. They will take generations to address. For this reason, stable, trusted institutions are required with access to stable sources of funding. For this reason, it is best to build upon, and extend, the stable institutional arrangements that we enjoy in Australia.
- 3.155 These considerations point to the framework to which a feasible and effective approach must conform. Catchment management is a national issue; and while programs will be delivered on a local or regional basis, there must be a stable, overarching national structure to ensure that:
- appropriate programs are developed, based upon the most recent information;

- the programs must be comprehensive and address all aspects of the ecologically sustainable use of Australia's catchment systems;
- programs are prioritised and will last for as long as necessary;
- their implementation is co-ordinated to ensure a consistent approach;
- financial and other resources are available for as long as necessary and are used efficiently; and
- the community is involved at all levels and can be assured that the whole process is trustworthy.

3.156 Evidence available to this inquiry reflects these facts. They are also reflected in the responses received to *Managing Natural Resources: A discussion paper for developing a national policy*.<sup>62</sup> In the Steering Committee report on public comment on the *Managing Natural Resources* discussion paper, it is stated that:

... a national NRM policy needs to encompass all sectors of the economy, not primarily agriculture, and all environments, including rural, peri-urban, urban, coastal and marine. All people have a responsibility for natural resource management and need to be involved in contributing to solutions and tackling natural resource management problems at the landscape scale.<sup>63</sup>

3.157 The *Steering Committee* also advised that:

There was an expressed desire for a bi-partisan, long-term approach by governments: 'there is a need for long-term (more than four years) commitment of governments on a bi-partisan basis to stay with [a national NRM strategy] and ensure that it is assisted and audited comprehensively so that ongoing work can be maintained efficiently'.<sup>64</sup>

The Committee recognises that a bi-partisan approach to catchment management is crucial in achieving long-term, ecologically sustainable outcomes. An example of this approach, the Committee believes, would be a COAG agreement to a national catchment management plan to be

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62 Department of AFFA, Commonwealth of Australia, Canberra, 1999, downloaded from [www.affa.gov.au/nrm\\_paper/cttereport.pdf](http://www.affa.gov.au/nrm_paper/cttereport.pdf), accessed 7 September 2000.

63 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resources'*.

64 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resources'*, pp. 10-11.

implemented over a period of not less than ten years. The Committee considers that in order to create a bi-partisan climate, there is a clear need for:

- agreed national priorities;
- performance review mechanisms;
- transparency of procedures, decision-making, and resourcing; and
- accountability.

3.158 In the Committee's view, it is unlikely that any one approach at a local level will prove satisfactory in all cases. Rather, the best solution will involve a variety of approaches, with the particular approach adopted in a particular catchment region suggested by the local circumstances.

3.159 However, the Committee does conclude that a single administrative structure, enjoying bi-partisan support, with long-term goals, which will permit an appropriate approach in any one instance to be identified and implemented, while ensuring national, coordinated action, is the approach to adopt. The remainder of this chapter provides the recommendations (and supporting argument) to support this approach.

## At A National Level

### Role of the Commonwealth

3.160 The role of the Commonwealth will be determined by three elements: what the Constitution permits it to do; what, under its powers, the Parliament seeks to do; and, importantly, what Australians want it to do. As noted, the Committee believes that the Commonwealth does have considerable constitutional power in this area. Moreover, Parliament has shown its willingness to support extensive environmental legislation by enacting the EPBC Act, and the executive government of the Commonwealth has shown its ongoing concern through the release of the National Action Plan.

3.161 It is clear to the Committee that Australians want all levels of government to take a role in addressing the environmental problems facing the nation. It is also clear that Australians expect the Commonwealth government to take a lead role. The *Steering Committee report to Australian governments on*

*the public response to 'Managing Natural Resources in Rural Australia for a Sustainable Future*, reported that:

The notion of the Commonwealth Government assuming a leadership role was supported [by the public]. The Commonwealth's leadership role was seen as developing appropriate policies and legislation, and providing catalytic funding, including determining national priorities and directing investment for priority issues.

It was commonly pointed out that governments have a major responsibility for the effective management of natural resources, including through their management of parks and forests: 'The notion that governments should ensure that others carry out a clear duty of care is entirely reasonable, but carries some reciprocal responsibility. Both government and private landholders have a responsibility, but government has a great deal of leeway to make up. There is a case to be made for the proposition that governments, having required excessive land clearing in the past, have some obligation to assist with both the restoration of native vegetation and dealing with some of the off-site consequences'.<sup>65</sup>

- 3.162 The central role of the Commonwealth in advancing ecologically sustainable use of Australia's catchment systems is recognised in *Our Vital Resources: National Action Plan for Salinity and Water Quality in Australia*. In launching the National Action Plan, the Prime Minister said that:

Most Australians will accept that this is one of the most significant, if not the most significant environmental challenge and natural resource management challenge that this country has. And what is needed is a national plan, flowing from Commonwealth leadership but working closely with the states and with local communities...<sup>66</sup>

- 3.163 The Committee has noted already that a major failing in the present system is that the different jurisdictions and different levels of government often do not share common goals and, where they do, there is poor co-ordination between them in terms of policies, targets and programs. The result is a fragmented, piecemeal system that fails to deliver consistent and co-ordinated programs and which is subject to the uncertainties of the political cycle and the actions of pressure groups.

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65 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resources*, pp. 10-11.

66 Prime Minister, The Hon John Howard, Press conference transcript on the launch of *Our Vital Resources*.

- 3.164 These considerations demonstrate clearly that the Commonwealth not only has the primary leadership role, given our federal system – a view shared by the community and revealed in other inquiries<sup>67</sup> - but that successful co-ordinated national programs will occur only through Commonwealth legislation and facilitation.
- 3.165 Moreover, the Committee believes that the Commonwealth has a duty to take a leadership role. There are several reasons for this.
- First, only the Commonwealth has the capacity to collect, collate and make available, in a co-ordinated manner and on a national basis, information on the ecologically sustainable use of Australia's catchment systems.
  - Second, the Commonwealth has the capacity to raise a significant proportion of the public funding necessary and disburse it on an equitable basis.
  - Third, only the Commonwealth has the capacity to provide the impartial, national infrastructure to solve what is a national problem. This includes legislation and a legal system and public service to administer it.
  - Finally, the Commonwealth was created by the consent of the people of six self-governing colonies to administer those matters that it was impractical, difficult, or unfeasible, for individual colonies to undertake themselves. It was also recognised that there were some activities that, while they could be administered on a regional level, were of such common concern that it was prudent for them to be administered at a national level. Defence, postal and telegraphic services and foreign relations are clear examples. Such matters transcend the borders of any single jurisdiction. The Committee believes that the ecologically sustainable use of Australia's catchment systems is a similar issue.

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67 Senate Environment, Communications, Information Technology and the Arts References Committee, *Commonwealth Environment Powers*, p. 91.

**Recommendation 1**

3.166 **The Committee recommends that the Commonwealth adopt a lead role in terms of:**

- **facilitating the development of principles, priorities targets and programs for the ecologically sustainable use of Australia's catchment systems;**
- **implementing appropriate legislative and institutional arrangements to attain the ecologically sustainable use of Australia's catchment systems; and**
- **obtaining from the community the funding necessary to ensure that the problems facing Australia's catchment systems are addressed.**

3.167 The precise nature of that role is, however, a matter to be settled. *Managing Natural Resources: A discussion paper for developing a national policy*, proposed this role for government:

The role of government within the partnership framework is to set the policy and regulatory parameters; to establish the necessary decision-making and institutional structures and arrangements; to contribute to landholders' and other natural resources managers' capacity for informed decision making; to facilitate change; and to invest effectively to counter market failure, so as to optimise social, economic and environmental outcomes.<sup>68</sup>

3.168 The issue is whether the central role of the Commonwealth should be to facilitate agreements, or whether the Commonwealth should seek a role that is more clearly constitutionally based. Initially, the role of the Commonwealth will be to facilitate agreements and provide an over-arching legal structure; however, in the longer term it is desirable that the Commonwealth's position constitutionally be clarified.

3.169 In the beginning, however, the Commonwealth is best suited to adopting a co-ordinating, 'honest broker' role. It was clear from the evidence that the role the Commonwealth adopts will be extensive and will have many

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68 AFFA, *Managing Natural Resources*, p. 27.

facets. In order to deliver the national co-ordinated approach required, it will, initially, have to:

- Provide a forum for the co-ordination of the state based strategies and co-ordinate them if the states cannot agree;
- Co-ordinate the discovery of and development of solutions;
- Provide a forum for the impartial settling of disputes and other problems; and
- Provide a means for the enforcement of solutions;
- Provide some funding for the implementation of solutions.

3.170 These should avoid, as far as possible, conflict with the existing constitutional arrangements. However, as matters develop, the administrative structure will need to utilise existing, successful initiatives and extend them where possible to ensure a consistent, reliable approach. The task of the Commonwealth will then be to:

- broker an agreement with the states to 'authorise' likely beneficial solutions;
- co-ordinate them through nationally enacted institutional arrangements;
- fund them to an extent to be determined in each case;
- actively resolve disputes between stakeholders and, if need be, act to ensure compliance; and
- audit the efficiency and effectiveness of their delivery; criteria include:
  - ⇒ financial accountability and probity;
  - ⇒ attainment of realistic outcomes for any project;
  - ⇒ improvement in the conditions of a catchment area.

3.171 For best results, this will require considerable consolidation of law and creating a unified system of environmental law. The Committee believes that the feasibility of doing so should be examined.

3.172 The dominant goal of the Commonwealth in this area should be directed at developing a national approach within the prevailing institutional and constitutional realities. At present, the policy of the Commonwealth is to use bi-lateral and multi-lateral agreements. It may be the case, however, that to complement this approach or because the problems that face the nation's catchment systems are so great, eventually a unified system of environmental law will need to be created. Given the negotiations and agreements that would be necessary, the Committee believes that the

feasibility of, and options for, doing so should be examined sooner rather than later.

## **Recommendation 2**

**3.173 The Committee recommends that the Government ask and resource the Australian Law Reform Commission to examine the feasibility of, and options for, a national body of law to deal with the ecologically sustainable use of land, and in particular, report on feasibility of, and options for:**

- **consolidating Commonwealth laws;**
- **consolidating State and Territory laws; and**
- **integrating laws at all levels**

**into a consistent body so as to provide for the ecologically sustainable use of Australia's catchment systems.**

## **A National Catchment Management Authority**

3.174 A national approach will produce the intended results only if there is a national body co-ordinating the various activities that underpin the outcomes. Such an approach is embodied in the National Action Plan by way of a proposed ministerial council.

3.175 Additionally, the Committee recognises the need for catchment communities to have sufficient infrastructure and capacity to help deliver such a national approach. The Committee considers that this may be achieved through mechanisms such as regional centres and local committees. These matters are discussed in greater detail later in this chapter.

3.176 However, as indicated, the Committee has some reservations about the strategy adopted in the National Action Plan, based as it is upon agreements between jurisdictions. Agreements must be reached and that takes time. In addition, there would be little certainty that the catchment/regional based bodies would possess uniform powers and functions and be able to provide consistent coverage over an entire catchment. Furthermore, co-ordination of these bodies would be difficult and because of their state or territory-based nature they may be subject to regional political imperatives that may disrupt the implementation of an

integrated, uniform national catchment strategy. The threat by the Commonwealth, of withdrawing funding, is not a sufficient deterrent to a state or region if it should fail to implement a program that is in the interest of the entire catchment.

- 3.177 These considerations lead the Committee to conclude that a national approach that is stable over time and less likely to be subject to regional political pressures is best attained through national legislation establishing a national authority.
- 3.178 The Committee notes that when, in the 1930s, the United States was faced with the 'Dust Bowl', an environmental and agricultural catastrophe of similar proportions to that facing Australia's catchment systems, the US Federal Administration established a permanent agency to focus national efforts to tackle the problem. The result, the Natural Resources Conservation Service, provides support in various forms to landholders undertaking conservation works. It is based around an observation that the Committee notes, has been made repeatedly in this country: that the best approach involves a nationwide partnership of Federal agencies and local communities help farmers conserve their land.<sup>69</sup>
- 3.179 The Committee believes that the similar federal structure enjoyed by both nations speaks to a federally mandated, nation wide, lead agency approach.
- 3.180 The Committee concludes that, given the problems Australia faces, and relevant federal structure, a similar approach is warranted and that, consequently, the Commonwealth should enact national legislation to which state and territory legislation and activities be subordinate. Such an approach is, in the Committee's view, appropriate and in keeping with the reasons for Federation.
- 3.181 The Committee is concerned that another bureaucracy is not inadvertently created that fails to attain the results needed. For this reason, the Committee believes that options that utilise pre-existing infrastructure, such as government programs and agencies, should be examined for their potential use in the efficient administration of legislation and programs that affect the environment. In particular:
- appointing in all jurisdictions a parliamentary secretary for environmental matters, responsible to the premier or the Prime Minister, whose responsibility would be to facilitate the administration and co-ordination of environmental policy, law and programs, within the jurisdiction of that parliament or between jurisdictions; and
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69 For a detailed description of the US approach, see the Inquiry into public good conservation, NSW Farmers' Federation, Submission no. 177, p. 22. See also appendix F.

- reserving for the Commonwealth and its agencies a supervisory, funding, facilitating role through developing and fostering 'partnerships' with state agencies and agencies from the private sector, to ensure they provide agreed outcomes.<sup>70</sup>

3.182 Furthermore, community involvement and transparency of operation is required to ensure accountability to the community and their participation in, and sharing of, the administrative burden.

3.183 Community response to *Managing Natural Resources: A discussion paper for developing a national policy* indicated clear support for some form of national body. The Steering committee, which reported on the public response to *Managing Natural Resources: A discussion paper for developing a national policy*, stated in its report that:

The Reference Group saw some merit in the establishment of an overseeing national body, in particular for monitoring and reporting on progress against targets.

The Steering Committee recognises the importance of effective national institutional arrangements to: agree on national goals, priorities and investment sharing arrangements; develop a framework for setting regional targets; promote consistency of approach across jurisdictions; foster best practice legislation and regional delivery arrangements; set the framework for effective community consultation and participation; and establish sound processes for monitoring and reporting. There are a number of models that a National Council could follow, ranging from Ministerial Councils such as ARMCANZ and the Australian and New Zealand Environment and Conservation Council (ANZECC) supported by Standing Committees, to Ministerial Councils that are supported by an independent advisory body, to an independent national council that has either advisory or administrative functions.<sup>71</sup>

3.184 The Committee believes that the Commonwealth has both the constitutional power and the duty to create a national catchment authority. The authority should operate outside the influence of day to day political considerations and have two primary purposes:

1. Facilitate the development implementation and co-ordination of whole of catchment and catchment region management plans and ensure that

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70 This is discussed more fully in the section on partner organisations. See paragraph 3.268.

71 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resources'*, p. 30.

these plans are consistent with, and attain, national catchment management principles and targets;

2. Act as a funding body for catchment management plans, whether those plans are whole of catchment, regional or local, by entering into partnership agreements with local bodies and organisations who are able to deliver the services to a local area.

3.185 The Committee considers that the Commonwealth alone cannot achieve these purposes. The Committee believes that a collaborative approach with the states and territories is the most effective way of achieving them. The Committee also considers that such an approach is the best means of receiving the full support of the states and territories, and encouraging information sharing and co-operation throughout the nation's catchments.

3.186 It is clear then, that a national approach will be the most effective in identifying catchment management issues, co-ordinating between levels of government and organisations and disbursing funding, expertise and information. It is also clear that there is considerable community support for not only a national approach but a national approach delivered through comprehensive national legislation administered by a national body.

### **Recommendation 3**

3.187 **The Committee recommends that the Government work towards an agreement through COAG that requires each jurisdiction to enact complementary legislation to establish an independent statutory authority, the National Catchment Management Authority (NCMA). This authority should have a division corresponding to each of Australia's catchment systems and it should have the following powers and functions:**

- **to accredit and assist in the development of whole of catchment, regional and local catchment management plans;**
- **to co-ordinate the ecologically sustainable use of Australia's catchment systems;**
- **to fund research on the ecologically sustainable use of Australia's catchment systems;**
- **to apply the findings of that research to the development of the ecologically sustainable use of Australia's catchment systems;**

- **to facilitate the dissemination of information and access to skills, data and educational programs for the ecologically sustainable use of Australia's catchment systems;**
- **to monitor the implementation of whole of catchment management plans; and**
- **with the support and the states and territories, ensure compliance with nationally mandated principles and targets and whole of catchment plans for the ecologically sustainable use of Australia's catchment systems.**

## **Comprehensive National Catchment Management Legislation**

- 3.188 The role of the Commonwealth, with the support of the states and territories, could be to ensure that all catchments in Australia are managed in an ecologically sustainable way. The Commonwealth agency that will implement this policy is the national catchment authority. To enable it to do its work, it must have sufficient powers to attain the outcomes the community wants.
- 3.189 Moreover, there must be a consistency of approach between catchment systems. It must also be clear to the citizens of each state that the funds and other resources allocated are provided fairly, according to an open, public process.
- 3.190 In addition, a national approach would lead to state laws being more in harmony, leading to a co-ordinated national approach and the better utilisation of scarce financial resources.
- 3.191 Furthermore, there are a number of pieces of legislation with environmental implications. At a state level, as noted, this is especially problematic. The Committee notes that the EPBC Act draws together a number of pieces of Commonwealth legislation into one consolidated Act.<sup>72</sup> A national overarching piece of legislation would not only take this a step further at a Commonwealth level, but could be used to encourage the states and territories carry further the work of consolidating and streamlining state and territory-based legislation and institutions.

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72 The Environment Protection and Biodiversity Conservation Act 1999 replaces five existing Commonwealth Acts. These are the Environment Protection (Impact of Proposals) Act 1974, the Endangered Species Protection Act 1992, the Whale Protection Act 1980, the National Parks and Wildlife Conservation Act 1975 and the World Heritage Properties Conservation Act 1983. See [www.ea.gov.au/corporate/legislation.html](http://www.ea.gov.au/corporate/legislation.html).

- 3.192 Finally, the whole structure should be stable over time; that is to say, not likely to be undermined by constant restructures and alterations or liable to total abolition.
- 3.193 The Committee believes that the ecologically sustainable use of Australia's catchment systems will be best attained, with the support of the support of the states and territories, under national legislation that that provides for:
- Principles
  - Targets and outcomes
  - Funding arrangements
  - Accreditation of program delivery agencies
  - Program delivery infrastructure; and
  - Accountability structures
- 3.194 Evidence available to the Committee indicated that a legislated national approach was preferred by many witnesses.<sup>73</sup> Moreover, other inquiries have recommended consolidated legislation at all levels of government.<sup>74</sup>

#### **Recommendation 4**

- 3.195 **The Committee recommends that:**
- **if the report of the Australian Law Reform Commission referred to in recommendation 3 reports that it is feasible for the Commonwealth to enact a single piece of legislation;**
  - **if agreement can be reached through COAG for such legislation; and**
  - **then such legislation be enacted to apply to all aspects of the ecologically sustainable use of Australia's catchment systems that are within the jurisdiction of the Commonwealth.**

73 For examples, see *Transcript of Evidence*, p. 150 and the Inquiry into public good conservation, *Transcript of Evidence* pp 284, 230.

74 Industry Commission, *A full repairing lease*, Recommendations 9.1, 9.2.

## National catchment management principles

- 3.196 At present there are no national standards for catchment management consistent across all jurisdictions. Each jurisdiction has developed legislation in an ad hoc manner seeking only to address immediate, not future concerns. Often the legislation is narrowly focused and intended to address the concerns of the particular jurisdiction. How land use in one jurisdiction may affect Australians in other jurisdictions has not figured in the development of land use legislation. The Committee believes that the management of catchments should be consistent between jurisdictions. The best way to achieve this, in the Committee's view, is through uniform national principles enacted by the Parliament of the Commonwealth.<sup>75</sup> The Committee believes that while the management of catchments should be consistent between jurisdictions, it is also the case that in order to be appropriate for any location, management must take into account the local conditions. The best way to achieve this, in the Committee's view, is through uniform national principles enacted by the Parliament of the Commonwealth, that are flexible enough to provide programs adapted to local conditions. Such an approach would minimise one of the major failings of the present arrangements: the lack of consistent coverage and co-ordinated responses to environmental problems owing the fact that:
- most programs are state or territory based; and,
  - within a jurisdiction, different authorities have the capacity to set their own agendas.
- 3.197 National principles would enable, for the first time, a comprehensive audit and evaluation of catchment management programs to occur, and modifications to be devised and implemented.
- 3.198 Moreover, the environmental problems facing the nation are so great and pressing that action should be taken sooner rather than later. It is important, therefore, to develop a timetable for the formulation of the principles and their implementation.
- 3.199 The Committee also concludes that the principles should be set and included in the national catchment legislation already envisaged.

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<sup>75</sup> This is a conclusion expressed in the Senate Environment, Communications, Information Technology and the Arts References Committee report, *Commonwealth Environment Powers*, p. 91.

## Recommendation 5

3.200 **The Committee recommends that, in consultation with stakeholders, national catchment management principles be developed and enacted in comprehensive, national catchment management legislation. The Committee further recommends that:**

- **these principles should be enacted no later than the end of 2002; and**
- **all programs in Australia that have an effect upon the use of catchment systems should, no later than 2005, be assessed against these principles and by 2007, modified if necessary, to ensure that they comply with them.**

3.201 The Committee does not wish to specify in detail what these principles should contain. However, the evidence gathered in the course of this inquiry indicate that the following types of principles should be considered:

- Use of the natural environment should be ecologically sustainable in the longer term.
- The likely anticipated effect on communities, immediately adjacent to the proposed activity and potentially affected by the proposed activity must be considered, when evaluating proposals for land use.
- Use of the natural environment must recognise and attempt to discharge two duties:
  - ⇒ Duty of care: to ensure that the actions one takes or proposes to take do not diminish, without their consent, the rights of others to enjoy to an equal extent the environment and its potential; and,
  - ⇒ Duty of stewardship: to use the environment so that future generations have the opportunity to use and enjoy the environment and its benefits to at least the same extent as the present.
- Use of the natural environment should protect biodiversity.
- Any use of the natural environment should involve the implementation of strategies that stabilise current problems and aim to repair degradation.

- Any use of the natural environment should ensure that the expected economic and social benefit of using a natural resource clearly exceeds the grossed up cost of using that resource.
- Any use of the natural environment should ensure that the proposed use does not utilise natural systems in ways that exceed the capacity of those systems to sustain that use without degradation occurring.

3.202 These are only draft principles. The aim of the Committee is to place them in the public area for discussion and to promote debate.

### **National targets for the ecologically sustainable use of Australia's catchment systems**

3.203 Principles set the broad policy parameters. Targets specify particular goals. The Committee has noted that there are no nationally agreed targets for the development of policies and programs for the ecologically sustainable use of Australia's catchment systems. The Committee believes that this is a defect of the current arrangements.

3.204 National targets provide a benchmark by which the community can assess the development and implementation of catchment management policies and programs. Targets provide criteria for accountability of government, organisations and communities. If the targets are met, new ones can be set; if they are missed, then the community is entitled to know why and to seek remedies.

3.205 The Committee notes that *Managing Natural Resources: A discussion paper for developing a national policy* contains 'indicators of progress'. These indicators would provide benchmarks to measure the development and implementation of ecologically sustainable management practices in Australia's catchment systems. These indicators of progress represent different facets of ecologically responsible policy and program development.

3.206 The use of 'indicators of progress', rather than targets, has been criticised by the ACF. The ACF, in its response to *Managing Natural Resources: A discussion paper for developing a national policy* said that,

It is critical that targets be included in any NRM strategy. They are not just indicators of progress, they are also genuine targets – things to be aimed for, and against which progress is monitored and measured.<sup>76</sup>

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76 ACF, Submission in response to the discussion paper, *Managing Natural Resources*, p. 13.

- 3.207 The Committee also notes the preferred targets of the ACF. The Committee agrees that some of the 'indicators of progress' in *Managing Natural Resources: A discussion paper for developing a national policy* do not match the urgency of the problem. However, the Committee is of the view that some of the ACF preferred targets may be unachievable, given the time that is necessary to inform the community of the serious and urgent nature of the problems facing the nation's catchments, the negotiation with the states and territories that must occur, the legislation that must be enacted, and the institutional modification and building that must take place. Nevertheless, the Committee agrees that the targets preferred by the ACF are not unreasonable in themselves.
- 3.208 The Committee believes that the information that members of the community must consider in recognising the need for targets and the appropriateness of specific targets, is not so complex that communicating the urgency of the situation presents great difficulties. Moreover, there is sufficient evidence and performance reporting information available to set targets and to commence an education campaign.
- 3.209 The Committee also notes that in the National Action Plan, the Prime Minister proposed that targets should be set. This plan, including the key element of setting targets, was endorsed by COAG on 3 November, 2000. When releasing the National Action Plan in 10 October, 2000, the Prime Minister noted that:

**Commonwealth-State/Territory Agreement to Targets and Standards**

Good progress on addressing water quality, salinity and natural resource management issues has been made with Landcare and the Natural Heritage Trust. However, the lack of agreed specific on-the-ground outcomes and targets for water quality, salinity and other natural resource management attributes has been a major barrier to guaranteeing a return on the Commonwealth's investment.

Agreed targets and standards will need to be set between the Commonwealth and the States and Territories, either bilaterally or multilaterally, as appropriate, in consultation with the relevant community to ensure effective use of funding.<sup>77</sup>

- 3.210 The Committee supports the rationale underlying the decision to set targets and the decision of COAG to establish targets. The Committee urges that targets should be set as soon as possible. They should be capable of revision, however. The Committee also concludes that the
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77 The Prime Minister, the Hon. John Howard MP, *Our Vital Resources*, p. 2.

targets should be set a national ministerial level as a disallowable instrument, and included in the national catchment legislation already recommended.

- 3.211 The role of targets in ecologically sustainable use of Australia's catchment systems should be defined clearly. The Committee does not believe that the targets should be voluntary, but that they should be mandatory. All programs, policies and activities should have to comply with them or be discontinued. The Committee believes, then, that the targets set should be used as the measure of the adequacy of state, territory, local government and community programs and policies, and their effectiveness.

## Recommendation 6

- 3.212 **The Committee recommends that:**

- **the Government work through COAG to set targets for the ecologically sustainable use of Australia's catchment systems under the national catchment management legislation as soon as possible;**
- **these targets be mandatory, reviewable and disallowable instruments;**
- **funding be dependent upon partner organisations accepting and aiming for these targets; and**
- **the Government, in conjunction with the states and territories, conduct a stocktake of current data, and the usefulness of that data when determining national targets.**

- 3.213 The pressing issue is to identify the targets that should be set. In this, the Committee believes that the 'indicators of progress' set out in the *Managing Natural Resources in Rural Australia for a Sustainable Future: A discussion paper for developing a national policy*, should be adopted in the first instance as targets. The following table reproduces the indicators, renamed as 'targets'.

- 3.214 These targets should be revised and augmented in the light of information about the extent of problems and the capacity of the community to allocate resources and develop institutions and programs to meet them. The Committee believes that they are not unreasonable targets to begin such a process.

**Table 3.2 Proposed national mandatory targets for ecologically sustainable use of Australia's catchment systems**

<b>Year</b>	<b>Targets</b>	<b>Outcome</b>
2001-2011	Building on Landcare	Levels of participation by landholders in landcare and other natural resource management groups should increase during the coming decade.
2005	Capacity building for improved natural resource management	There should be a 75 per cent increase in the number of landholders and regional communities actively monitoring resource condition – for example, by soil testing and water and biodiversity monitoring – to guide their management practices
2005	Facilitating fundamental change	There should be a significant increase in landholders' capital expenditure on measures and practices aimed at controlling or preventing natural resource degradation
2005	Natural resource condition	No additional ecological communities should become threatened as a result of agricultural activity.
2005	Natural resource condition	There should be no net loss of native vegetation measured within each jurisdiction.
2005	Natural resource condition	All stressed rivers and a significant proportion of other priority regulated rivers should have incorporated an environmental flow regime to ensure maintenance of ecological processes.
2005	Natural resource condition	Critical recharged zones within catchments will be identified; by 2010 these should be revegetated to prevent further land and water resource degradation, and necessary adjustments should be made to environmental flow regimes of all regional and catchment planning.
2005	Natural resource condition	Revegetation options for multiple benefits will form part of all regional and catchment planning.
2005	Regional	Each state and territory should establish a planning framework for all regions and catchments, with communities in half of these regions and catchments having developed and being in the process of implementing integrated natural resource management strategies.
2005	Regional	All regional development initiatives and local government planning should be based on sound natural resource management principles and recognise the limitations of natural resources.
2010	Building on Landcare	Operations on a majority of farms should be based on whole-farm plans that are consistent with regional strategies
2010	Capacity building for improved natural resource management	The number of landholders and regional community leaders participating in rural training and leadership courses that incorporate a natural resource management component should have doubled.
2010	Enhancing knowledge and information	There should be a 50 per cent increase in research and development to do with ecologically sustainable natural resource management and use.
2010	Enhancing knowledge and information	Eighty per cent of landholders should use natural resource management information relevant to their region through home-based computers.
2010	Facilitating fundamental change	Fifteen per cent of agricultural produce should be coming from properties that have ISO 14000 certification or other accredited environmental management systems in operation or that are participating in a production accreditation scheme.
2010	Facilitating fundamental change	An improved economic return resulting from new production opportunities, better use of resources, and land use change in areas at risk of or experiencing resource degradation. The principles of sustainability should also be adhered to in new areas of development and non-degraded areas.

2010	Natural resource condition	There is a net gain in native vegetation cover and a net reduction in species and ecological communities listed as threatened or endangered.
2015	Enhancing knowledge and information	At least 50 per cent of regions should have information management systems that are comprehensive, supported and accessible to the general public, including through the Internet.
2015	Natural resource condition	There should be a net reduction in the area of productive land lost as a consequence of soil degradation caused by acidity, sodicity, salinity, acid sulphate, soil carbon loss, decline in soil structure, and erosion.

*Source* Derived from *Managing Natural Resources in Rural Australia for a Sustainable Future: A discussion paper for developing a national policy*, pp. 20-21.

## Addressing the property rights question

- 3.215 The inquiry revealed clearly the deep and abiding attachment that Australians from all areas have to their country. For rural Australians, this often focuses upon what they perceive as their property rights in respect of their farms and the duties of others in respect of their property. These 'others' include neighbours, communities, state and Commonwealth governments.
- 3.216 As the rights that people have over the land they manage are more clearly defined, and landholders alter their land use practices, disputes will arise. Moreover, as regional catchment plans develop, some landholders may not be inclined to participate and issues of compensation for enforced land-use changes will arise.
- 3.217 Furthermore, the Committee has received clear evidence that many landholders want compensation if they are to change their land management practices or the activities that they currently undertake are restricted. In such cases, there may be grounds, the Committee has had suggested to it, to claim 'just compensation'. Disputes may therefore arise over the meaning of 'just compensation' or when management prerogatives are constrained or eliminated. The National Action Plan acknowledges that the 'Clarification of property rights and appropriate pricing of water is fundamental in the management and remediation of water quality and salinity'.<sup>78</sup>
- 3.218 At a regional level disputes may develop between well-intentioned people over the meaning of the national principles, or national targets; or how they should be implemented on a local level. Disputes may also develop, or clarification may be required, about the powers of regional catchment bodies, catchment authorities or the national authority. The powers of the

<sup>78</sup> The Prime Minister, the Hon. John Howard MP, *Our Vital Resources*, p. 5.

Commonwealth and the states may also be the subject of dispute, as they have been in the past.

- 3.219 What is apparent is that all these disputes require an impartial system whereby they can be settled. Access to the system should be speedy and cheap. Moreover, to ensure that there is consistency between state and territory jurisdictions, and to demonstrate the national character of the catchment management program, the system should be national.
- 3.220 The problems that develop in this area would be focused on relatively self-contained legislation because it would, for the most part, deal with environmental matters. Consequently, it may be useful if a body of expertise were to develop to ensure that the intent of the various legislatures in the Commonwealth were respected and consistency across jurisdictions were promoted.
- 3.221 Moreover, although the issue of property rights will be examined more fully in the Committee's inquiry into public good conservation, it is, in the Committee's view, important that options for setting disputes begin to be discussed. Options that could be considered include the creation of a federal environment court, or for a specific, environmental jurisdiction to be added to the existing federal court.
- 3.222 The Committee's view, at present, is that the options for speedy dispute resolution should be examined. In particular, the legal precedents for establishing special dispute resolution processes within the Commonwealth should be examined. The Committee also considers that the policies and strategies of foreign jurisdictions that share a similar political structure to the Commonwealth and have experienced similar environmental problems, such as the United States, should be examined in terms of their applicability to the Australian situation.

### **Recommendation 7**

- 3.223 **The Committee recommends that the Government ask and resource the ALRC to report on options for resolving in a cost effective and speedy manner cross-jurisdictional environmental disputes.**

## Environment auditor and national environment audits

- 3.224 The inquiry revealed that easy access to accurate information is required in order to identify the problems that must be addressed, develop appropriate policies and deliver programs designed to remedy the problems. As indicated, the inquiry discovered that information was not used as effectively as it could be; and in some instances, there has been a reluctance on the part of some agencies to share information.
- 3.225 Accurate information is also required in order to monitor the effectiveness of the actions taken and to continue to develop and deliver appropriate responses, especially in the development of innovative farming practices and land-use practices. As noted in the Steering Committee's report on the public response to *Managing Natural Resources: A discussion paper for developing a national policy*: 'There was ... strong support for unrestricted access to all monitoring data and information collected'.<sup>79</sup>
- 3.226 Access to information (and educational programs) is also necessary if the community is to become aware of the extent and seriousness of the problems and to be motivated to allocate community resources to address them. Ultimately, then, the provision of up to date information is the foundation for empowered and motivated communities.
- 3.227 Moreover, landowners, local authorities and catchment management bodies require up to date information in order to comply with national principles and targets. Finally, if market mechanisms are to be used to address some of the problems in catchment areas, market participants will require information and will need to be kept informed.<sup>80</sup> At all stages of devising and implementing programs for the ecologically sustainable use of Australia's catchment systems, access to high quality up to date information is required. For these reasons, the national community requires an ongoing, effective and affordable approach to the collection and dissemination of information.<sup>81</sup>
- 3.228 With the support of the states and territories, the Commonwealth has the capacity to collect and collate data from stakeholders, including the states and territories, and collate it so that a national database is created and provided to stakeholders. In the Committee's view, the lack of systematic information and access to information can best be remedied by a national approach operated by the Commonwealth.

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79 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resources in Rural Australia'*, p. 28.

80 These points are also made in the Industry Commission's, *A full repairing lease*, p. 129.

81 See AFFA, *Managing Natural Resources*, pp. 10-11.

- 3.229 Moreover, a national approach reduces the opportunity for duplication of information and research, and permits a concentration of resources into a uniform focused organisation.
- 3.230 Such an approach, the Committee believes, can be implemented easily and cheaply by building on the existing, successful initiative of the National Land and Water Resources Audit (NLWRA). The NLWRA was established as a program of the Natural Heritage Trust and operates with a four-year budget of \$29.4 million. Although the purpose of the NLWRA is to provide a comprehensive national appraisal of Australia's natural resource base, it is not an ongoing body.<sup>82</sup>
- 3.231 It is unclear whether it the Government intends that the NLWRA should continue beyond the initial period. However, the importance of ongoing data collection and monitoring was made to the Committee by a number of witnesses. It is also clearly acknowledged in *Managing Natural Resources: A discussion paper for developing a national policy*:

An important element of this is the feedback of information on the natural system's response to management decisions and making the necessary adjustments to management practices. This relies on good baseline information and continued monitoring of production and management impacts.

Such information needs to be in a form that is useful and relevant to landholders, regional communities and governments. It needs to be comparable over time and space to improve decision making at all levels and across generations.

At present there are significant gaps in data and information on the environmental, social and economic aspects of natural resource management at all decision-making levels—farm, local and national, and particularly the catchment and regional levels.

Monitoring the state of our natural resources and the impacts of changing production practices means that data need to be collected regularly and consistently. We need robust and affordable systems for sharing data at the national, State and Territory, regional and farm levels.<sup>83</sup>

- 3.232 Although the collection and analysis of data are a shared investment responsibility on all stakeholders<sup>84</sup> it must be co-ordinated and the information made available in useful formats. For this reason, the

82 Information on the NLWRA is available at: [http://www.nlwra.gov.au/full/05\\_about\\_the\\_Audit/about\\_the\\_Audit.html](http://www.nlwra.gov.au/full/05_about_the_Audit/about_the_Audit.html)

83 AFFA, *Managing Natural Resources*, p. 81.

84 As AFFA's discussion paper, *Managing Natural Resources* indicates. See p. 81.

Committee concludes that a national body is required and led by a statutory office: the office of the environment auditor.

- 3.233 The Steering Committee also notes that responses to *Managing Natural Resources* suggested that 'setting up a national database of current research and development material relating to NRM with internet access would be beneficial'.<sup>85</sup>
- 3.234 In the Committee's view, the cost of the infrastructure for establishing a national database, a national monitoring agency and auditor have already been met through the creation of the NLWRA. It will provide a substantial foundation upon which to build an ongoing body that makes an essential, and much needed, contribution to developing appropriate solutions to the problems in Australia's catchment systems. At present, the Audit collects, collates and presents data, thereby making it available for use by industry, community groups, interested members of the public, and government. Therefore, the Committee believes that the NLWRA or its successor body should continue the NLWRA's work and that its purpose and functions should be expanded to include the monitoring of program effectiveness and providing some community education programs.

### **Recommendation 8**

- 3.235 **The Committee recommends that the National Land and Water Resources Audit be formally established as an ongoing independent statutory Commonwealth authority called the National Environment Audit Office, with the:**
- **power to collect relevant data and maintain an ongoing audit of the state of Australia's catchment systems; and**
  - **purpose of educating the community on the need for, and effective measures to attain, the ecologically sustainable use of Australia's catchment systems.**

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85 AFFA, *Steering Committee report to Australian governments on the public response to 'Managing Natural Resources'*, pp. 27, 28.

**Recommendation 9**

**3.236 The Committee further recommends that the NLWRA should be provided with sufficient funding to enable it to complete within the next five years a comprehensive audit of Australia's catchment systems and sufficient ongoing funding thereafter to enable it to maintain an ongoing audit of Australia's catchment systems and the policies and programs designed to ensure the ecologically sustainable use of Australia's catchment systems.**

**The Committee further recommends that funding for the Audit should not come from the Natural Heritage Trust or from asset sales but from general taxation revenues and that any products of the Audit should be made available free of charge.**

**Recommendation 10**

**3.237 The Committee recommends that the Government enter into negotiations with all state and territory governments to establish clear protocols for the exchange of information concerning the ecologically sustainable use of Australia's catchment systems and that:**

- funding to the states and territories be dependent, in part, upon entering into information sharing protocols;**
- this information be collected and maintained on a national basis, in a national database maintained by the NLRWA; and**
- this information be freely, publicly available through catchment area district offices and over the internet.**

## Leading through education

- 3.238 Education and awareness of environmental issues is essential for effective catchment management.<sup>86</sup> First and foremost is the need for communities to be aware of the causes and effects of environmental degradation, the extent of the issues, and how it impacts on them, their community and the wider region.
- 3.239 Second, an understanding of these issues and the community's role in them is needed before the community accepts that they have a responsibility to contribute to fixing the problems.
- 3.240 Third, an awareness of the issues can add to an understanding of the long-term benefits of fixing the problems, rather than focusing on the short-term costs. Finally, education is crucial to teaching individuals, communities and organisations how they can contribute to effective catchment management, and how they can implement best practice management in their daily activities.
- 3.241 The National Farmers Federation expressed the view that the awareness of environmental issues varies considerably from region to region. For example, awareness of dryland salinity ranges from very high in some states to not nearly so high in others.<sup>87</sup> The NFF also advised the Committee that awareness of issues such as carbon credit trading is very low amongst the farm sector.<sup>88</sup> The Committee considers that there is an urgent need to address these educational deficiencies, particularly amongst the rural communities.
- 3.242 Developing a competent skills base is also vital. Dr Wendy Craik, of the NFF commented that:

I think, too, that the issue of skills is absolutely fundamental. I guess we would tackle that on a broader approach – that the opportunity for people to acquire skills in rural and regional Australia is absolutely fundamental. If you look at some of the indicators, such as trends in the retention levels in schools and participation in tertiary education, this is important not only for the rural sector generally but in this particular area.<sup>89</sup>

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86 This is recognised by the Prime Minister, the Hon. John Howard MP in, *Our Vital Resources*, p. 7.

87 *Transcript of Evidence*, p. 303.

88 *Transcript of Evidence*, p. 307.

89 *Transcript of Evidence*, p. 298.

3.243 The Committee is aware of the need for an effective education campaign addressing environmental issues. When discussing education campaigns with the Committee, Dr Craik considered that:

I guess I have often thought – this is not an NFF view but a personal view – that something on the scale of the AIDS education program is what is needed to get this message out to the community.

3.244 The Committee considers that an extensive and intensive education campaign must be undertaken as an essential element in developing an effective program of ecologically sustainable catchment use. It believes that the Commonwealth government has the lead role to play through education and promoting awareness of catchment management issues.

3.245 The Committee believes the government can contribute to this through increasing access to information, through, for example, advertising campaigns, farm field days, and providing subsidies for educational institutions to offer distance education programs. The Committee recognises the opportunities for the use of the internet as a tool to gain access to information, and strongly supports the implementation of infrastructure that would enable the rural community to have cheap, fast and reliable access to the internet.

### Recommendation 11

3.246 **The Committee recommends that the Government develop and implement an education strategy, including appropriate on ground activities, on the ecologically sustainable use of Australia's catchment systems.**

3.247 Australia already possesses considerable infrastructure, such as the Australian Broadcasting Corporation (ABC), and universities, through their distance education programs that are capable of delivering catchment management information to rural and regional areas. The Committee believes that at some time in the future the Government should examine the infrastructure and other needs of the ABC, Australia's tertiary institutions, and other educational providers, to further assist them in delivering programs that are easily accessible and targeted at developing the skills necessary for effective, integrated catchment management. The Committee also believes that an examination of the feasibility of subsidising the educational expenses of people undertaking catchment management education or skills building programs should be

undertaken at a later date. The Committee also considers that these programs need to be accredited by the NCMA.

## **The role of the States and Territories**

- 3.248 The evidence gathered by the Committee showed conclusively that the states and territories have a central role in the ecologically sustainable management of catchments. At the present time, the states and territories not only manage a large number of programs, but also regulate many aspects of catchment use through legislation enacted at the state or territory level.
- 3.249 While the Commonwealth can take the lead in developing national principles and targets, and in establishing a national catchment management authority, local bodies are and will remain, subordinate to state and territory law. Constitutionally, then only the states and territories can empower the regions.<sup>90</sup>
- 3.250 This is the most sensible approach to take because a result of the present arrangements is that the states and territories have considerable infrastructure specifically designed for local government, and the administration of regions and communities within a state or territory. This can include, for example, the capacity to enact planning laws and regulations, water and waste water management, land development and management. This infrastructure must be brought up to date so as to deliver catchment wide, co-ordinated programs.
- 3.251 The Committee recognises that the devolution of monitoring, enforcement and overall administration of land use laws and water use laws and policies to local bodies is, in theory, a practical step. It would confer responsibility and accountability on local communities, while at the same time ensuring through appropriate institutional arrangements that local decisions comply with national principles and targets.
- 3.252 However, the Committee considers that realistically speaking many local bodies do not have financial or human resources to carry out such a task, and it is unlikely that state governments would provide the resources. Nevertheless, the Committee recognises the importance of community ownership of catchment issues, and supports mechanisms whereby local communities fully participate in catchment management issues. The Committee believes that this would also allow for the better integration of the administration of infrastructure that is of a local nature, such as local

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90 This point also made in AFFA's *Managing Natural Resources*, p. 34.

roads and bridges, into co-ordinated catchment wide programs that are consistent with national principles and targets.

- 3.253 Consequently, one important movement in this area that will facilitate effective catchment management will be to empower local communities by devolving planning decisions and the regulation of land use to them.
- 3.254 Therefore, in keeping with the approach of this inquiry to adapt as far as possible existing and familiar institutions, the Committee considers that the role of the states and territories is to provide the necessary legislative and other professional and technical support to deliver on a local level the national principles and targets. The states and territories are then central elements in any co-ordinated and consistent national approach to catchment management.
- 3.255 It is important, however, that the states and territories streamline their legislative machinery and ensure that it conforms with and is capable of delivering outcomes consistent with the national principles and targets.

## **Implementing solutions in the local area**

- 3.256 Effective catchment management rests upon the involvement of local communities. Support for catchment management is generated and programs motivated at the local and regional level.<sup>91</sup> It is essential that appropriate institutional arrangements are implemented that empower communities. The discussion paper, *Managing Natural Resources*, made the point clearly: 'The development of regional approaches to natural resource management would be strengthened by the establishment of institutional structures that give the people of a region greater authority over natural resource management.'<sup>92</sup>
- 3.257 Two administrative innovations that will involve local communities and deliver appropriate results to a specific area are recommended by the Committee:
1. the creation of a network of catchment authorities as units in each catchment system; and
  2. the development and implementation of accredited management plans.

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91 This point was also made to the Committee by Dr Wendy Craik, *Transcript of Evidence*, p. 303.

92 AFFA, *Managing Natural Resources*, p. 34.

### Catchment Management Authorities (CMAs)

- 3.258 In order that appropriate programs can be delivered to a local area that are not only consistent with national principles and targets, but are credible within the local community, locally-focused institutions are required. Such institutions would derive their authority from the NCMA already recommended. The Committee believes that the most administratively effective and cost effective option for delivering appropriate catchment management programs to a local area is through local Catchment Management Authorities.
- 3.259 The function of the CMAs would be to engage the community in the various ways already noted, motivate community members, and also provide a local 'shop front' for the national catchment management authority to deliver its services to specific locations. Specifically, CMAs would provide ready access to expertise, thereby facilitating the development of management plans. They would co-ordinate and provide, on a local level, access to information and education services. CMAs would also approve plans, ensure that they are in line with accreditation processes, co-ordinate them with the activities of other CMAs, and monitor the effectiveness of plans and the efficiency of their delivery. Using the developing system of rural transaction centres as a potential basis for a system of 'shop fronts' should be considered, and is discussed below.
- 3.260 In the Committee's view, moreover, it is crucial for the success of CMAs that the members of their governing bodies be credible members of the community.

### Recommendation 12

- 3.261 **The Committee recommends that the government work through COAG to create in legislation, catchment management authorities (CMAs) and that these authorities form the basic administrative element of each catchment system and, overall, of the national catchment management authority.**
- 3.262 The administrative reorganisation that would best support the recommendations of this report will involve and motivate local communities. In doing so it will deliver co-ordinated programs that are appropriate to the local area and which are consistent with national principles and targets. It is essential then that the delivery mechanism at

the local area is appropriate. It will involve, for example, developing a network of local and regional government bodies as well as non-government organisations (NGO), such as Landcare groups, Bushcare groups and organisations like the Trust for Nature.

- 3.263 The role of the local area organisations is to participate fully in the development of local accredited plans and, with assistance, deliver programs to specific areas. The role of local and regional government is to provide effective administration of state or territory land or water use or planning laws. The role of state government agencies is to provide local expertise, and access to state or territory government administrations.
- 3.264 The role of the catchment management authority or its regional elements is to ensure that all these organisations work to implement the national principles and targets. It also has the role of co-ordinating their activities across the catchment. On this model, it would work with local authorities (e.g. shire councils, municipal councils, residents groups) or NGO's.
- 3.265 Such an approach will overcome one of the ongoing problems in this area. National and state administrations are often seen as remote and unconnected with local communities and the problems that face them. The same view may also develop of whole of catchment authorities. It was clear from the evidence presented, and other evidence gathered, that the success of catchment management plans will depend upon the support of individuals working at a community level and, importantly, local communities. For this reason, the Committee believes that the delivery of catchment management programs to a local level should occur through organisations that operate at a local level, in effect, regional catchment management committees.
- 3.266 As discussed in the next chapter, programs to address environmental problems and implement the ecologically sustainable use of Australia's catchment systems will rely on the expenditure of public monies. The community must be assured that their money is used appropriately. Local mechanisms are best suited to incorporate a high degree of transparency and accountability.
- 3.267 The Goulburn Broken Catchment Management Authority (GBCMA) is considered by the Murray Darling Basin Ministerial Council to be a successful example of a catchment management committee.<sup>93</sup> An outline of the work of the GBCMA is given in Box 3.1.

- 3.268 The Committee believes that each catchment management authority should broadly operate along the lines of the Goulburn Broken Management Authority, with a local management authority having the overall responsibility for the delivery of solutions in its area and co-ordinating the delivery of solutions provided by partner organisations (detailed in the next section).

### **Box 3.1 The Goulburn Broken Catchment Management Authority**

The Goulburn Broken Catchment Management Authority (GBCMA), was one of nine authorities and one board established in 1997 under the *Catchment and Land Protection Act 1994*. The authority is responsible for the delivery of solutions in its local area, and is accountable to a peak body – the Victorian Catchment Management Council.

The catchment covers 17% of Victoria, contains approximately 200,000 people and produces 26 per cent of Victoria's rural export earnings. It makes up 2% of the Murray-Darling Basin but supplies 11% of the basins water resources. The GBCMA has established a number of projects including:

- Establishing partnerships between the community, industry, government and local government.
- Working on an ecosystem services project in partnership with the CSIRO and the Myer Foundation. The project aims to place a value on ecosystem services, which are the services that the environment provides to the community, such as clean air and water, and crop pollination. The project also works to provide incentives for farmers to improve land use practices.
- Incentives to improve the management of the riparian zone. These areas have been given a high priority for investment because of the water resource implications and their biodiversity values.
- Developing the Lower Goulburn Floodplain sanctuary. This project recognised the importance of the services provided by the floodplain, such as filtering out excessive nutrients, and sediment deposition.
- Restructuring of the levee system. In the past, levees were built on either side of the river to prevent flooding, however the banks still broke when a 10 year or greater flood event occurred. The last major breach of the levees in 1993 caused \$20 million in flood damage. Studies showed that the best solution was to let the floodplain operate naturally. This required the acquisition and restoration of 10,000 hectares of floodway. About half this area will be managed for environmental outcomes, as much of the land is also immediately adjacent to an internationally significant wetland.

## Accredited Management Plans

- 3.269 It is essential that all programs are appropriate and use resources efficiently. It is also essential that all programs are co-ordinated so that programs along the length of a catchment are harmonised.
- 3.270 The Committee believes that these aims are best met if all programs that seek to address some aspect of the ecologically sustainable use of Australia's catchment systems, are approved by the national catchment authority or one of its divisions. The Committee also believes that to encourage approval, it be a funding condition that programs are accredited. Basic criteria for accreditation are that the proposed program satisfy the national principles and are likely to attain the national targets. This will ensure appropriate programs are delivered, efficient use of funds and co-ordination between regions and areas.
- 3.271 The Committee recognises, however, that developing a management plan will involve using a range of information and having access to expertise. The CMAs are obvious conduits of such information and expertise and the Committee considers that they should be involved in the development of all plans to ensure that appropriate plans are developed without undue delay.

### Recommendation 13

- 3.272 The Committee recommends that all programs that affect the ecologically sustainable use of a catchment area, region or system, be accredited by the proposed NCMA (or local CMA), or its equivalent, and that funding be provided only to accredited programs.**

## Local and Regional Government

- 3.273 As indicated already, local and regional government has an existing infrastructure that can be used for ensuring that catchment management complies with national standards and that it is co-ordinated between administrative regions. The states and territories should be encouraged to devolve to a local area the regulation of catchment use under accredited plans. This is an approach taken in *Managing Natural Resources*:

It is thus appropriate that consideration be given to legislating to place an onus on local governments to take account of matters associated with natural resource management—such as zoning,

planning, consideration of development proposals, management of local government lands—and to require that their planning and development decisions be consistent with catchment and regional plans.<sup>94</sup>

- 3.274 At present, local government boundaries do not always match catchment boundaries. It would facilitate effective administration if they did. It would also facilitate administration, and more effectively utilise existing infrastructure if the responsibilities of local government with respect to land planning laws were clarified.
- 3.275 The Committee does recognise that co-ordination between areas will be promoted if all organisations, which conduct activities that affect land use, are required to act according to an accredited management plan. This is especially the case of local government bodies. However, the Committee believes that co-ordination of programs and ease of administration will be enhanced if, in addition to requiring local governments to comply with an accredited management plan, the area administered by a body coincides with a natural catchment area or region.

#### **Recommendation 14**

- 3.276 The Committee recommends that when local government boundaries are revised they be, as far as practicable, aligned with the natural divisions within catchment systems.**

#### **Recommendation 15**

- 3.277 The Committee further recommends that the Government work through COAG to obtain agreement from state governments that they will enact such legislation as is needed to require local governments to exercise such powers as they possess in ways that are consistent with the national principles and targets for the ecologically sustainable use of Australia's catchment systems.**

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94 AFFA, *Managing Natural Resources*, p. 28.

## Partner organisations

- 3.278 Evidence demonstrated clearly that different types of organisations had roles to play in delivering programs. Apart from government agencies, private, for profit organisations, and voluntary associations already provide many programs. Landcare, Bushcare and Coastcare are voluntary organisations that provide many valuable programs.
- 3.279 The Committee believes that the administrative arrangements should not discourage participation as it is essential to the success of the catchment management effort that as large a number of interested organisations be involved. However, the Committee is mindful that ensuring that public funds are spent efficiently and that appropriate programs are delivered effectively are essential elements in ensuring public support and attaining the outcomes needed.
- 3.280 The Committee considers that the most effective solution is for the national catchment authority to accredit 'partner organisations'. Partner organisations could be state or territory agencies, local government organisations, private conservation trusts, voluntary conservation groups, or individuals.
- 3.281 The role of partner organisations will be to deliver accredited programs that meet the nationally mandated principles and targets. Partner organisations could act as 'program brokers', working directly with small groups or individuals. This would diminish the need for small groups or individuals to deal with red tape. Over time, 'off the shelf' programs could be developed and once accredited, they could then be delivered if judged appropriate, to a particular location.

### Recommendation 16

3.282 **The Committee recommends that:**

- **formal recognition be given to 'partner organisations';**
- **eligibility criteria for accreditation as a partner organisation, be enacted;**
- **that accreditation as a partner organisation be reviewable and subject to special conditions; and**
- **all contracts with partner organisations and between partner organisations and other suppliers or clients, be tabled within three months of signature if the contract involves the expenditure of public monies.**

## Recommendation 17

- 3.283 The Committee recommends that all programs that affect the ecologically sustainable use of a catchment area, region or system, be accredited by the proposed NCMA (or local CMA), or its equivalent, and that funding be provided only to accredited programs.**

### Access to information, expertise and skills

- 3.284 As noted, the lack of information on the ecologically sustainable use of Australia's catchment systems and the lack of access to this information, as well as lack of access to appropriate skills and expertise, is reducing the effectiveness of existing programs, preventing the growth of programs and the development of public awareness.
- 3.285 The need for the community to have reliable access to information and expertise cannot be underestimated. Furthermore, given that many communities are suspicious of government motivations, particularly in rural areas, the information needs to come from people that communities can relate to and feel that they can trust.
- 3.286 One of the most effective ways to motivate communities, foster a renewal of community spirit and support, and to deliver information, skills, expertise is through community catchment centres. The Committee noted the work of the Herbert Resource Information Centre (HRIC) in Queensland. The committee believes the HRIC should be used as a model for the development of a nationwide network.
- 3.287 The background to the HRIC is that Geographic Information Systems (GIS) and access to spatial data has, for the most part, been beyond the reach of the general community. Holders of information may impose charges for access; or access may be difficult in rural areas owing to a lack of appropriate infrastructure. This is particularly the case for rural Australians, where, owing to lack of access, modern technology has only marginally alleviated the 'tyranny of distance'.
- 3.288 A group of organisations in the Ingham district of North Queensland signed a 10-year partnership that established the Herbert Resource Information Centre (HRIC). This initiative draws together data resources from a range of sources. It provides access to that data for a range of organisations and individuals with a stake in the future of the Herbert River Catchment.

- 3.289 The HRIC is rural, collaborative, and community focussed. The ten-year agreement has six signatory partners: CSR Sugar Mills; Herbert Cane Protection and Productivity Board; Hinchinbrook Shire Council; Canegrowers Herbert River; CSIRO; and Queensland Department of Natural Resources.
- 3.290 The HRIC is founded upon and espouses three ideals: technology transfer, capacity building, and community empowerment. The HIRC internet site says that:
- Our vision is that the HRIC be used by the partners and the wider community to ensure the ecologically sustainable development of the Herbert River Catchment. We believe that the HRIC is unique, and that it represents a working 'best practice' model for other areas of Australia.<sup>95</sup>
- 3.291 As a result, the Ingham community now has access not only to spatial data but also to the tools to analyse it, GIS expertise, and a framework for cooperative data exchange and maintenance.
- 3.292 The activities of the HRIC has not been confined to the rural and rural-urban communities. The HRIC has also been actively involved in information dissemination and capacity building amongst the next generation of community leaders: the school children. The HRIC did this by introducing geographical information systems into schools in Queensland. This alleviated one of the of the greatest problems faced by teachers when designing a GIS curriculum for students: the availability of datasets. Owing to the cost of datasets, most are well out of reach, given public school budgets.<sup>96</sup>
- 3.293 The efforts and costs involved in setting up a collaborative GIS is large for a small community. However, as the HRIC internet site observes, it is 'not nearly as great as the massive returns to the community by 'spin off' benefits'.
- 3.294 It was also clear from the evidence that catchment management will be most effectively delivered through a network of local offices and a network of co-ordinators and extension officers who can take information and skills 'down to the coal face'. This network can also facilitate a two way process – assisting in the development of accredited plans by landholders and community members at a personal level, and communicating the experiences of landholders to catchment authorities,
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95 Downloaded from <http://hric.tag.csiro.au/information/publications/collgis.html>, accessed 17 October 2000.

96 Downloaded from <http://hric.tag.csiro.au/information/schools.html>, accessed 17 October 2000.

where their experience can be integrated into the overall planning processes.

- 3.295 Dr Craik, of the NFF, advised the Committee that paid co-ordinators were vital to the success of information and skills delivery. Ms Anwen Lovett, also from the NFF, testified that:

Some of the feedback I often get is that one of the biggest losses is that of extension officers with technical expertise in the regions. People really miss having access to those sorts of people, so certainly we would like to see more of that.<sup>97</sup>

- 3.296 Support for such an approach was revealed unequivocally in the report of the Steering Committee on *Managing Natural Resources*. The Steering Committee reported that, 'There was general agreement that 'face to face communication and working together in groups rather than passive provision of information is needed' and the Steering Committee proposed ready access by landholders and regional communities to data and information on resource condition at the local and regional/catchment level.

### Recommendation 18

- 3.297 **The Committee recommends that the Government develop a program to foster the development of, and access to, the internet for rural Australians and the development of information data bases pertaining to the ecologically sustainable use of Australia's catchment systems that can be accessed over the internet.**

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<sup>97</sup> *Transcript of Evidence*, p. 304.

**Recommendation 19**

**3.298 The Committee recommends that the Government expand the operation and purpose of the rural transaction centres to include, but not be limited to:**

- **Providing ready access to information and expertise on the ecologically sustainable use of Australia's catchment systems, and access to education and advice services;**
- **Acting as a shopfront for regional management authority offices; and**
- **A base for catchment management extension officers and program co-ordinators.**

**Recommendation 20**

**3.299 The Committee recommends that the Government, in co-operation with the states:**

- **establish a network of local people who can act as local area co-ordinators and catchment management extension officers who will advocate for the ecologically sustainable use of Australia's catchment systems;**
- **provide appropriate training to these people; and**
- **encourage, with the states, the re-establishment of a system of extension officers whose duty will be to facilitate the development and implementation of local catchment programs.**